

# Hawaiian Gazette

VOL. XXXIX, NO. 84

HONOLULU, H. T., TUESDAY OCTOBER 18, 1904—SEMI-WEEKLY.

WHOLE No. 2634.

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Both gentlemen were present at the meeting which was held in Waverley Hall, and accepted the honor conferred upon them. C. J. Hutchins made a speech in which he regretted that he was unable to run, having withdrawn at the request of the coast firm for which he is agent here, stating that he would like to have run as a protest against the Carter administration, also against the Republican convention for what had taken place at its meeting in Progress Hall, referring to the Cecil Brown incident.

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Mr. Langston, in accepting the nomination for Representative, spoke for nearly half an hour. He thanked the convention for the honor conferred upon him and for the confidence the convention had reposed in him. He said that he knew that within the Fourth District he had a hard fight, probably the hardest fight in the islands. He said he would go into the fight realizing this, but he went into it with the promise of support of people whose aid he had not expected. He went into the campaign as a candidate for office, feeling it is his duty to represent an element in the Fourth District which was interested in having a Legislature to which the people could appeal.

"From the foundation of the American government," said he, "the great men of the nation have advocated the rights of the common people. If Abraham Lincoln was alive today he would be a Democrat because he was an advocate of Democratic ideals and he looked forward to the time when labor would have equal if not greater rights at the polls than capital. If Garfield had lived his allotted time the Republican party would have advocated Democratic principles."

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"I want to thank you for this opportunity to express myself. I am glad I am off the ticket because you have a better man now on it. He has placed himself to be an orator, a gentleman and a politician, so what else can I say?"

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"He has stood during the last few days like a rock against the assaults of the enemy who were trying to keep him off the ticket. But he stayed and he is here tonight. Every man of sense, unless he has a collar around his neck of the Republican party that chokes him, will vote for G. J. Waller.

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Fellow-Citizens: In responding to the solicitations of my constituents of the Democratic party to represent the party in the present campaign, in the capacity of a senatorial candidate, I have done so with a full appreciation of the responsibility imposed; not only by reason of the issues that are now on trial before the electors of this Territory and which are to be determined at the coming election, but also on account of the questions of vital interest that are to confront the successful candidates of the present political contest and to be wrought out at the coming session of the Territorial Legislature.

In giving my pledge of loyalty to the party I find nothing embodied in its platform that I cannot endorse without any conscientious scruples; it proposes no selfish or unjust legislation; it frowns down upon the policy of forcing political fealty on government beneficiaries and it pleads for an economic system that will operate equitably. These principles cannot fail to enlist the thoughtful attention of those in whose hands is placed the destiny of the present campaign; and no good citizen should hesitate to cast his vote in behalf of the party that has pledged itself to safeguard the sacred liberty of the ballot. It is to be hoped that the outcome of this election will fully demonstrate that on this issue, if on no other, the people are at one, and that they will brook no interference with the rightful exercise of their franchise.

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Parliament, however, will be a unit in its support of the government in the conduct of the war. Mr. Ishizuka states that in this connection there are no factional differences and all reasonable propositions from the cabinet will receive full parliamentary support.

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Up to the present tide of battle has been in favor of Japan. I have always thought it would be so.

The only problem that has been bothering us is a financial one. Just how long could Japan stand this war? But since the war began a close observation of the financial resources has been made, and although I may be mistaken, in my opinion, Japan can stand another two years of war as well as Russia. The financial problem can eventually be solved by appealing to the middle and richest classes. However, I expect the war will terminate before then, but if it does not, then the war will continue on patriotism and the whole nation will put up its last dollar.

Japan believes that the sympathy of the nations is with her, and I believe that Japan still has credit with the powers to borrow more money if need be.

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A brother of Editor Shiozawa of the Hawaii Shimpo is a captain in the Japanese army in Manchuria and is at present attached to the staff of Marshal Oyama. He is a veteran of the Japan-Russo war and was lately with the Peking legation. He is lame, having been wounded in an engagement in the last war.

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"But be that as it may, I had an opportunity to learn that General Sherman was right when he said that 'War is hell.' When I saw the trains arrive at Tokio filled with wounded soldiers with heads bandaged, others with legs and arms shot off, and most of them lying on stretchers, it occurred to me that from a humanitarian standpoint the powers should soon step in and stop the war. Japan has already shown that she is capable of defending her rights by force of arms, and the issues for which she went into war have practically been settled by her continued crushing defeats of the Russian forces.

"As to Port Arthur, according to the plans of the Japanese, that fortress could have been taken before, but it would have been by a great number of soldiers."

"Of course, Japan is much smaller than Russia, and her resources may not be as great, but Russia is at a disadvantage, at least, in the defeat she has sustained, necessitating more reinforcements. This is putting her to a great expense. On the other hand the cost of maintaining 1,000 Japanese in the field is about one-fifth what it would cost Russia for the same number of soldiers."







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"As to Port Arthur, according to the plans of the Japanese, that fortress could have been taken before this, but it would have been by assault and with an unnecessary loss of life, for in taking it by storm the Japanese assaulting armies would have made tremendous sacrifices. However, I fully believe that on the Emperor's birthday, on November 3, the fortress will fall. I hear that the Japanese land batteries are now reaching the Port Arthur fleet. They could have reached it before this, but no doubt the plan had been to wait until the end approaches.

"When Port Arthur does fall the world will then know that the fortress was much stronger even than nations have been led to believe, and this will all the more redound to the credit of Japanese military strategy.

"I was in Tokio when news came of Liaoyang, the first battle. The preparations for the celebration of the fall of Port Arthur were turned into a celebration of the victory at Liaoyang. The streets were so crowded with celebrants that a ricksha could not pass through and I had to hire a two-horse carriage to make my way.

"I was passing through Shiba park one day and saw a great mass of cavalry quartered there. I was impressed with the excellent manner in which the horses and men were cared for. Everything seemed just so and what doubts I had as to the outcome of the war were dispelled at once, for with such men and such discipline I thought that the nationality of Japan was safe.

"Of course, Japan is much smaller than Russia, and her resources may not be as great, but Russia is at a disadvantage, at least, in the defeats she has sustained, necessitating more reinforcements. This is putting her to a great expense. On the other hand the cost of maintaining 1,000 Japanese in the field is about one-fifth what it would cost Russia for the same number of soldiers."



# BOYD GETS TEN YEARS

## Kinney Wants Punitive Damages Against S. Parker.

(From Sunday's Advertiser)

E. S. Boyd, former Commissioner of Public Lands, was sentenced by Judge W. J. Robinson yesterday morning to be imprisoned at hard labor for the term of ten years. This sentence was in pursuance of Boyd's conviction as charged in the indictment, containing three counts, of embezzling moneys of the Territory of Hawaii while occupying the dual position of secretary of the Public Lands Department and sub-agent of lands for the fifth district. Other indictments are pending against him for embezzlement as Commissioner of Public Lands, to which office he was promoted in the year 1901.

When Boyd appeared for sentence, besides S. F. Chillingworth, who defended him on trial, former Judge A. S. Humphreys attended him as counsel. Mr. Chillingworth, on defendant's being asked to stand up for sentence, made the motion for a new trial of which he had given notice. The motion being promptly denied, Mr. Humphreys presented a motion in arrest of judgment. This also was denied and the court asked the defendant the usual question, if he had anything to say why sentence should not be pronounced upon him.

Mr. Chillingworth first spoke for Boyd, referring to his wife and family and pleading for leniency on the score of the first offense in an otherwise honorable career.

Mr. Humphreys followed, speaking of human frailties in general and Hawaiian in particular owing to former free and easy customs of the race. He referred to Boyd's visit to Washington with the incentives to spending money there, making that incident out as the cause of his putting his hand in the public till. Mr. Humphreys also spoke of the wife and children.

Attorney General Andrews remarked on the disagreeable task it had been to him to prosecute Boyd, whom he had long known and been on friendly terms with. The temptations of Washington could not have been the occasion of Boyd's downfall, for the defalcations in this case were committed before he went to Washington. Boyd, moreover, had as much white as Hawaiian blood. Judge Robinson, in passing sentence of ten years' imprisonment at hard labor, said he took into consideration all that had been said in the defendant's behalf and in sympathy for his family. Yet he also had to consider the seriousness of the offense and the necessity of making an example to deter others from like offenses.

The grounds of motion in arrest of judgment offered by Mr. Humphreys are in effect that the office of Third Judge of the Circuit Court of the First Judicial Circuit, assumed to be held by Judge Robinson, exists under legislation that is null and void according to the Organic Act. It is contended that the Legislature had no right to create such third judgeship, also that one judge cannot assume the powers of the First Circuit Court.

If Boyd's appeal falls in the Territorial Supreme Court, habeas corpus proceedings will be instituted to carry the case to Washington.

### WANTS PUNITIVE DAMAGES.

Judge De Bolt granted the motion of W. A. Kinney to amend his complaint against Samuel Parker for libel. S. H. Derby made an affidavit in support of the motion, representing that he was the attorney who thus far had charge of all proceedings in the cause and that, in preparation for the argument on demurrer, he discovered that the plaintiff was entitled to exemplary and punitive damages. He "avers that, while he is not clear to the effect that exemplary damages may not be recovered in the above cause under the original complaint therein, the amendment asked puts the matter beyond all question and is in furtherance of the plaintiff's rights."

The amendment claimed to be a cincher as above is as follows:

"That the said defendant composed, printed and published, and caused to be composed, printed and published the aforesaid false, scandalous, malicious, libelous and defamatory matter concerning the said plaintiff as hereinabove set forth, and expressly caused the same to be published in the principal newspapers of Honolulu aforesaid, well knowing that said matter was false, scandalous, malicious, libelous and defamatory, and that it was not in any way material, pertinent or relevant to any matter in the aforesaid cause, to wit, in the matter of the guardianship of Annie T. K. Parker, a minor, but wilfully, wantonly and solely out of spite and malice to the plaintiff, and contriving and intending to injure the said plaintiff in his credit and reputation aforesaid and in his said profession as a lawyer, and to cause it to be suspected and believed that he, the said plaintiff, had conducted himself dishonestly, injudiciously and improperly in relation to the matters referred to in said libel, thereby greatly injuring the plaintiff in his said credit and reputation and profession as a lawyer, and plaintiff claims exemplary and punitive damages by reason of the foregoing facts."

Where punitive damages are not claimed in a libel case, the complaint must show actual damages sustained from the libel.

### COURT NOTES.

Joe Caspino and Kamela were found not guilty of robbery in Judge Gear's court yesterday. They were defended by J. W. Calhoun.

of Lewers & Cooke, Ltd., vs. Isaac H. Harbottle, defendant, and J. H. Fisher, Auditor, garnishee, that the plaintiff recover from the defendant \$37.83, together with \$70 interest and \$14.75 costs of court.

Mary Jane Montano by her attorneys, J. Alfred Magoon and J. Lightfoot, has appealed to the Supreme Court from Judge Gear's order in the foreclosure suit of The First American Savings and Trust Co. of Hawaii vs. Mary J. Montano and A. A. Montano.

In the foreclosure suit of Sister Albergina vs. David Kawanakoa et al., demurrers have been filed by David and Abigail Kawanakoa, of the like tenor to those previously filed by Jonah and Elizabeth Kalamanaole, denying jurisdiction of the court and alleging misjoinders of parties. The plaintiff has filed joinders in demurrer to the demurrers previously filed.

Hawalian Electric Co. vs. Charles S. Desky has been discontinued by Smith & Lewis for plaintiff. It was a suit brought in October, 1900, for a balance of \$315.57 on account of the Progress block elevator.

The Fowler steam plow agency cases between John Fowler & Co., G. W. Macfarlane and Robert Catton are continued in the Supreme Court by stipulation until the December session.

## DOG LOOKS AFTER SENSELESS MASTER

As the 10:30 car from Wai'alae road terminus approached the crossing of Beretania street extension on Friday night, Motorman Dalton saw a dog tugging at some object on the track. He thought at first the dog was playing with an old sack, but when the car had come within forty feet of it the object proved to be a man reclining in the middle of the track. The car was brought up standing a few feet from the man, who when spoken to got up and stood on his feet straight enough not to be taken for drunk. He appeared to be a Portuguese and was only half clothed.

When the same car leaving the transfer junction at 11:15 was going out and again when returning, that being the last trip for the night, the man was sitting against F. Lucvicko's fence and the dog keeping sentry a yard in front of him. The fellow sat in a stooping posture as if sleeping.

A few weeks ago one night a well-known Portuguese paralytic was discovered lying on the Rapid Transit track a few rods below where the incident of Friday night occurred, his dangerous position being discovered none too soon by the motorman to avoid running over him. Whether it was the same person that selected a couch of such perilous sort on both occasions cannot be said, as it was different motormen who had the startling experiences.

## THIS WOMAN KNOWS

### WHAT ONE OF THE SEX DISCOVERED TO HER GREAT JOY.

Mrs. De Long Finds that the Indescribable Pains of Rheumatism Can be Cured Through the Blood.

Mrs. E. M. De Long, of No. 160 West Broadway, Council Bluffs, Iowa, found herself suddenly attacked by rheumatism in the winter of 1896. She gave the doctor a chance to help her, but he failed to improve, and then she did some thinking and experimenting of her own. She was so successful that she deems it her duty to tell the story of her escape from suffering:

"My brother-in-law," she says, "was enthusiastic on the subject of Dr. Williams' Pink Pills as a purifier of the blood, and when I was suffering extreme pains in the joints of my ankles, knees, hips and elbows, and the doctor was giving me no relief, I began to reflect that rheumatism is a disease of the blood and that, if Dr. Williams' Pink Pills are so good for the blood, they must be good for rheumatism and worth a trial.

"I was in bed half the time, suffering with pain that cannot be described to one who has never had the disease. It would concentrate sometimes in one set of joints. When it was in my feet I could not walk, when it was in my elbows and wrists I could not even draw the covers over my body. I had suffered in this way for weeks before I began using Dr. Williams' Pink Pills. Two weeks after I began with them I experienced relief and after I had taken six boxes I was entirely well. To make sure I continued to use them about two weeks longer and then stopped altogether. For several years I have had no reason to use them for myself, but I have recommended them to others as an excellent remedy."

Dr. Williams' Pink Pills furnish the blood with all the elements that are needed to build up healthy tissue, strong muscles and nerves, capable of bearing the strain that nature puts up on them. They really make new blood and cure all diseases arising from disorders of the blood or nerves, such as scalding, neuralgia, partial paralysis, locomotor ataxia, St. Vitus' dance, nervous prostration, anemia and all forms of weakness in either male or female. They are sold by all druggists.

# MERCHANTS INDOORSE THE PROMOTION COMMITTEE

## Full Report of the Committee and the Association Report Upon Its Work—Unanimous Feeling That Propaganda Should Go On.

(From Saturday's Advertiser)

Many important matters were decided at the meeting yesterday afternoon of the Merchants' Association, principal of which were the endorsement of the Hawaii Promotion Committee's work and a hearty recommendation for its continuance; the decision as to the boundaries for the proposed Federal Building; the proposition to hold a conference with the Chamber of Commerce relative to dividing the control of the tonnage tax imposed on imported merchandise for the conduct of promotion work; and the informal expression, that although the Association cannot dabble in politics, yet candidates for the legislature should heed the request of the merchants to give further Territorial aid to the promotion work.

The first business was the adoption of the report of the Committee on Publicity and Promotion presented by Messrs. E. A. McInerney and I. S. Dillingham, based on the report of the Hawaii Promotion Committee for the past year. The reports, in reversed order, are as follows:

### DETAILS OF THE WORK.

The Hawaii Promotion Committee began its work with the opening of its local office August 1, 1903. At a prior conference between its members and the Governor and Treasurer of the Territory of Hawaii, there was placed at the disposal of the Committee the \$15,000.00 appropriated by the 1903 Legislature for advertising. Under this agreement there was expended \$13,834.34. This amount was divided, \$5,667.49 for advertising and \$8,166.85 for printing. This is the total of assistance received from sources other than the Chamber of Commerce, the Merchants' Association and the business community at large.

### ADVERTISING.

The advertising began with Oct. 1903, for which time full and quarter page advertisements were ordered, extending over the period to Jan. 1, 1904, some 22 mediums being used. Up to the present time bills for advertising for the year 1904 aggregate \$4,000.00. This covers not only the advertising in magazines and newspapers in general but as well includes \$494.25 expended in California during last winter and spring for special magazine and newspaper space. The list of mediums includes all of the best known popular magazines.

### PRINTING.

The publications prepared and distributed by the Hawaii Promotion Committee numbers seven. The book "Hawaii," published by Braster, of which 50,000 were bought by the Territory, was placed in our hands, and some 25,000 have been distributed through the mails, through steamship and railroad assistance and over the counter. The largest edition was of the folder "Hawaii," of which 250,000 were issued at a cost of \$4,400.00 for printing. "Beauty Spots, Hawaii," of which 100,000 copies were issued cost to print, \$1,200.00, and the cuts for these two books added \$416.85, making the total expense, \$6,016.85, which as noted above was paid by the Territory.

"Honolulu What to See and How to See It" is a vest pocket folder containing a map of the city. Of this 25,000 were issued at a cost of \$44.50.

"Hawaii as a Side Trip" is a four page pamphlet issued for use in California, in edition of 50,000 at a cost of \$55.00.

"Agricultural Possibilities of Hawaii" in 10,000 edition cost \$80.00.

"Hawaii, Its People, Their Legends" of which 25,000 were printed, cost \$115.55 or \$7,397.50 as total for publications not counting small leaflets issued from time to time as accessories to these publications to meet special occasions. This gives an aggregate of 450,000 copies of which at the present time, counting stocks on hand here and in San Francisco, probably 80,000 remain undistributed.

### DISTRIBUTION.

The first task of the Promotion Committee was to get into touch with American Railroads and Trans-Continental Trunk lines, various short lines reaching summer and winter resorts, and the steamship people in this ocean. It is through these agencies that the largest circulation has been secured for literature bearing on Hawaii. These Transportation companies placed Hawaii folders and booklets in their leading offices. In one instance, that of the New York Central lines, its seventy-seven information Bureaus supplied with all publications for free distribution, in addition to which Mr. Geo. H. Daniels, G. P. A. of the road, has answered many mail inquiries concerning Hawaii.

In addition to the ordinary "follow-up" method, copies of the list of names of inquirers are sent by each mail to eighteen of the leading trans-continental roads and the steamship companies, and these follow up the prospective travelers both with printed matter and through direct passenger agents.

To secure more perfect distribution the New England States are covered by the Railway, Hotel and Steamship Distributing Co. of Boston, which reaches every city and town in New England; the Central Distributing Agency covers the middle and western States; the Ocean Time Table covers

C. P. McWilliams, in conjunction with T. G. McKay, G. P. A. of the Trans-Pacific lines, works throughout the Orient; The New Zealand Government Bureau of Tourists and Health Resorts distributes in New Zealand in conjunction with the Canadian-Australian and Oceanic Steamship Co.'s, while those two transportation companies in conjunction with the Union Steamship Co. have distributed Hawaii material throughout Australia. Special California and Pacific Steamer distribution is effected through J. Walter Scott, of San Francisco, who covers the Pacific coast from Seattle to San Diego.

The special agencies in conjunction with the transportation companies have been responsible for the distribution of about 450,000 pieces of printed matter bearing upon Hawaii.

From the local office there have been distributed above 50,000 pieces. This is shown largely in the postage bill which averages more than \$400.00 a month.

In addition to the publications by this committee there are distributed through the mails and over the counter the folders of the three leading hotels, of the Haleiwa Hotel, the Inter-Island Steamship Companies, and the Volcano House Co.

### AGENCIES.

The home office of the committee has been considered the headquarters for the direction of its work, and offices were maintained for the past nine months in San Francisco, Los Angeles and Boston. The San Francisco and Los Angeles offices have now been combined at the latter point effecting a saving of above \$100.00 a month.

### RAILROAD AND STEAMSHIP COMPANIES.

From the very first the most cordial relations have existed with the great railway and steamship companies. The material issued by the committee has been transported and distributed practically without cost.

The Southern Pacific Co. and the Santa Fe system, the New York Central, the Chicago, Rock Island and Pacific, the Missouri Pacific, the Chicago and Northwestern, the Union Pacific, the Chicago, Milwaukee and St. Paul and the Canadian Pacific railways have made liberal mention of Hawaii as an objective point for tours, in their various folders and advertisements, and assurances have come recently, in response to circular letters, that larger mention will be made in the future.

The three steamship companies which carry passengers to and from Hawaii, the Pacific Mail, Oceanic and Canadian-Australian, have issued folders descriptive of the islands, which are well illustrated and widely distributed.

### OFFICE WORK.

From the opening of its local office there has been a constant use of the facilities afforded, by travellers, both those passing through, and tourists who have made considerable visits to Honolulu. During the month of February, 1904, the average daily number of callers was above fifty. When a filled through steamer is in port the number of calls ranges from forty-five to ninety, and during the presence, at the beginning of the year and later, of the American fleets and foreign warships, wide opportunities for distribution were afforded by the constant calls of officers and men, seeking booklets to be sent abroad.

From the first the rule was established that every letter must receive a typewritten, personal response, and of the more than 5,000 letters which have been received in the past eleven months, for the advertisements did not begin to bear fruit until the issuance of October magazines, each one has been responded to either with a form letter, or where there has been a special inquiry, with a long and exhaustive statement. The office of the committee has been used for the display of wall and relief maps, various products of the islands and the complete pictorial exhibit prepared by the Hawaii Exposition Association and sent to Japan, with the exception alone of the few frames which were not returned.

### ACCOMMODATIONS AND RATES.

The question of rates of fare between San Francisco and Honolulu was taken up in person by the secretary of this committee with the general passenger agents of both the Pacific Mail and Oceanic Steamship Companies, as well as Mr. R. P. Schwerin, vice-president and general manager of the Pacific Mail, one year ago. In response to representations then made, both officials declared that the ruling rates of passage could not be changed under the existing circumstances. On more than one occasion the subject has been reopened but universally the response has been that the companies consider their rates such that they could not make any reduction. Early in 1904 a new attempt to secure consideration of lower rates was made, by letter. These responses were received. From R. P. Schwerin, Pacific Mail, dated Newport News, Va.: "Regret to say that the Pacific Mail Steamship Co. does not see its way clear to reduce its present round trip rate of \$125.00, San Francisco-Honolulu, which as you know is already very low—in fact much lower than the rates in force with the Trans-Atlantic for rendering a similar service. We shall always be very glad to receive and distribute your literature."

using material through our various offices and do everything we can to promote travel to Hawaii, but it is absolutely impossible for us to reduce our rates."

From L. F. Cockcroft, Oceanic Steamship Co., dated San Francisco: "We have carefully considered the matter of passenger rates to Honolulu and in view of all the circumstances and the average proportion that we receive, it is not deemed practical at the present time to make a reduction as you suggest. . . . We tell confident that the present rates in effect do not interfere in promoting travel to Honolulu." Even so late as June when an effort was made to secure reduction on account of the Knight Templar convention in San Francisco, the response was made on both hands that the present party rate of \$120.00 for fifteen passengers, was deemed so low that no reduction was possible. Again last month this matter was taken up in person with the general passenger agents of the two lines but without effectiveness.

The Canadian-Australian S. S. Co. took up the question of fare reduction in earnest this summer and the decision of Mr. Robert Kerr, passenger traffic manager, was communicated to this body in the following letter:

Mr. E. M. Boyd, Secretary, Hawaii Promotion Committee, San Francisco, Cal.

### Honolulu Excursions.

Dear Sir: Replying to your favor of September 6th.

I take pleasure in advising you that we have arranged for our November, December and January sailings to sell at a special round trip rate of \$100.00 from Portland, Puget Sound and British Columbia ports to Honolulu and that this rate will be used for basing purposes by all agents east of Vancouver. I trust that this may produce the desired result.

Yours truly,  
(Signed) ROBERT KERR.

### THE OUTLOOK.

Arrangements have been completed whereby the well known tourist agency of Thomas Cook & Son will offer, through all their various offices, tickets under the party rate of \$110.00, the steamship companies, receiving them if fifteen persons are assembled from whatever quarter for any one steamer.

Messrs. Thomas Cook & Son, Raymond & Whitcomb, Gates Tour Co., R. H. Crunden & Co., Nippon California Tour Co. plan tours to Hawaii during the present winter. The Pennsylvania Railroad Co.'s personally conducted service has the same subject under consideration for this winter, as has the Santa Fe System.

The office correspondence at the present time indicates more than fair interest in Hawaii, and the steamship companies look forward to greater travel after the election. The presence of larger ships in the Pacific Mail line indicates more ease in securing accommodations, which must have beneficial results upon the travel.

### EXPENSES.

The present advertising of this committee, in the hands of Frank Seaman of New York, has been given an appropriation for three months of \$500.00 a month beginning with November.

The issues of folders and booklets are so nearly exhausted that another volume becomes necessary before the end of the year.

In addition to the contract for advertising, and two contracts for distributing, which will not expire until the end of the year, the committee has seen fit to invite its New York agent, Mr. Frank Seaman, to send out as its guests leading editors and writers of the United States. This invitation has been accepted for January by Mr. Walter H. Page of World's Work, and tentatively by George Horace Lorimer of Saturday Evening Post, Dr. Albert Shaw of Review of Reviews, Dr. Lyman Abbott of Outlook, Mr. Frank Collier of Collier's publications. Mr. Marshall P. Wilder, well known the world over, plans to arrive here October 14 on a world trip, he being engaged to write a weekly letter for a syndicate of papers, the New York Tribune, Boston Post, Chicago Record-Herald, Pittsburgh Post, St. Louis Republican and Philadelphia Press.

### FINANCIAL STATEMENT.

Following is the financial statement compiled from two statements, one of January 1st the other of June 30th, 1904, made by the treasurer, J. A. Gilman:

### FINANCIAL STATEMENT TO JUNE 30TH, 1904.

Receipts.  
By subscriptions from sundry subscribers . . . . . \$ 2,760.45  
From Honolulu Chamber of Commerce . . . . . 15,000.00

\$17,760.45

Disbursements.  
Postage . . . . . \$ 1,177.00  
Rent . . . . . 1,535.15  
Expense (office and incidental) . . . . . 1,139.12  
Salaries (Hon., San Fran. and Los Angeles) . . . . . 5,815.55  
Furniture and fixtures (Hon. and San Francisco) . . . . . \$11.08  
Stationery . . . . . 142.84  
Lantern Slides . . . . . 141.15  
Advertising and Printing . . . . . 4,232.75  
Cash in Bank June 30th . . . . . 1,609.81

\$12,700.45

### PROMOTION WORK ENDORSED.

Following is the report made by a Committee of the Merchants' Association on the report of the Promotion Committee:

Honolulu, Oct. 14, 1904.  
To Geo. W. Smith, President Merchants' Association, Honolulu.

Mr. President: Pursuant to a resolution passed by the directors of this Association September 26, last, by the terms of which resolution your Committee on Publicity and Promotion were requested to make a comprehensive report on the operations of the Hawaii Promotion Committee, we leave to submit same, together with comments by your committee which will show in a condensed form the salient features of our report.

# BONDSMEN ARE SUED

## Wind Experts Testify. Trial of Robbery Charge.

William W. Bierce, Limited, is suing Clinton J. Hutchins, trustee of Kona Sugar Co., Ltd., and the executors of the will of Henry Waterhouse on a bond for the return of property. The property was the railway plant of the Kona Sugar Co. furnished by the Bierce corporation and the bond was in the sum of thirty thousand dollars. In a reply suit by the Bierce concern against Hutchins the High Sheriff had taken possession of the property, but Hutchins obtained its return, pending judgment, under the bond. The late Henry Waterhouse and Arthur B. Wood, one of his partners, were sureties on the bond. Judgment was given against Hutchins and in favor of the Bierce corporation for the return of the property or, in case it was not returned, its value adjudged as \$25,000. The present suit is therefore to recover from the Kona Sugar Co.'s trustee and his bondsmen the sum of \$25,000 with interest thereon from March 19, 1904.

### CRIMINAL CASES.

The trial of Joe Caspino and Kamela for robbery, not burglary as previously reported, continued throughout yesterday before Judge Gear.

Matsuda, convicted of heedless and furious driving, was sentenced by Judge Gear to pay a fine of \$20 with costs remitted.

### HOW THE WIND BLEW.

Kwong Lee Yuen Co. vs. Alliance Insurance Co. outlasted yesterday before Judge De Bolt and was continued at 4 p. m. till Monday morning. A good deal of humor was developed on the question of how the wind blew in Honolulu on January 20, 1900. Mr. Ballou put on a string of witnesses to prove that the strength of the trade wind that day was "extraordinary," and he held the Century Dictionary upon his knee to test the understanding of the word extraordinary by the witnesses. One of the witnesses testified the wind was strong, but concluded with the definition:

"It was an ordinary trade wind."

"You're dead right—no cross-examination," Mr. Robertson ejaculated and the witness retired amidst general laughter.

John Lucas, called for the defendant, retorted on a question by Mr. Ballou in cross-examination:

"I'll answer you direct when you don't ask a foolish question."

A little later "Jack" gave a reply so emphatic as to take the breath fairly away from court, counsel, jury and spectators on which he was abruptly excused and returning respiration in the courtroom was broken with merriment.

H. A. Wildemann ("Mama"), a former Honolulu boy and later swimming champion of California, arrived in the Alameda on a visit to relatives. He is now a fruit grower in California. His elder brother, Carl Wildemann, is at present in town as a member of the Federal grand jury.

### WHAT IT WILL DO.

A woman buys a sewing machine for what it will do; not as an article of furniture. A man carries a watch to tell him the time; not as an investment of surplus capital. The same principle when one is ill. We want the medicine or the treatment which will relieve and cure. The friend in need must be a friend indeed, something, or somebody, with a reputation. There should be no guesswork in treating disease. People have the right to know what a medicine is, and what it will do, before they take it. It must have behind it an open record of benefit to others for the same diseases, a series of cures that proves its merit and inspires confidence. It is because it has such a record that

WAMPOLE'S PREPARATION is bought and used without hesitation or doubt. Its Good Name is the solid basis for the faith the people have in it; and a good name has to be earned by good deeds. It does what you have a right to expect it to do. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. In Scrofula, Anemia, Nervous and General Debility, Influenza and Wasting Complaints, it is to be thoroughly relied upon. Doctor J. L. Carrick says: "I have had remarkable success with it in the treatment of Consumption, Chronic Bronchitis, Catarrh and Scrofulous Affections. It is of special value in nervous prostration and depraved nutrition; it stimulates the appetite, aids the digestion, promotes assimilation, and enters directly into the circulation with the food. I consider it a marvellous success in medicine. Every dose effective. 'You cannot be disappointed in it.' Sold by all druggists throughout the world."



# PUNA CANE CONDITIONS

## Pfotenbauer Files An Elaborate Report.

(From Saturday's Advertiser)  
Puna Sugar Co., Ltd., has rendered an elaborate report to the Circuit Court of the First Judicial Circuit, on the condition of the plantation, etc. He visited the plantation on September 4, remaining thereon four and one-half days, thoroughly inspecting the premises.

The plantation owns in fee simple, Mr. Pfotenbauer states, 8211 acres of land. Together with leased lands it has 5000 acres of cane land, of which about 2000 acres have been cultivated. The cultivated area consists of 1112 acres at Kapoho, 78 acres at Kamalei and 800 acres at Pahoia. Of this cultivated area 135 acres is fee simple land and the balance leasehold.

The report goes into details of the leases. There are two main divisions of the plantation known as the Pahoia and Kapoho divisions, situated respectively 12 and 24 miles from Hilo on the line of the Hilo Railroad Co., with a subdivision known as the Kamalei headquarters of four miles from the headquarters of the Kapoho division. The main divisions are connected by the standard gauge railway of the Hilo Railroad Co. and the plantation railroad is of standard gauge, the roadbed well ballasted and the 40-in. rails in excellent condition.

The plantation is equipped with laborers' quarters to accommodate 500 men, stable room for 180 head of stock, a manager's house, seven houses for employees with families, stock and office buildings, blacksmith and carpenter shops, 181 head of good California mules, 11 horses, 2 donkeys, 9 milch cows, 22 cattle in herd and 6 calves, 200 cane cars, one 30-ton Porter locomotive, 9.47 miles railroad, about 3 miles of portable track, 2 donkey engines, one steam pump together with tools and implements, wagons, carts, harness, saddles, materials and firewood.

The amount expended by the company on real estate, as shown by its report for 1913, is \$752,623.52. The receiver found the equipment and ready for immediate use. He caused 182 cane cars which had been hauled to the mill yard of the Oloa Plantation Co., Ltd., to be brought to the headquarters of the Kapoho division; likewise, collected and housed the tools and implements about the plantation.

Mr. Pfotenbauer reports in detail on the fields under cultivation. Many of them need stripping or cultivating. Given such attention as they need the fields will yield from 12 to 40 tons of cane per acre, most of the figures ranging from 25 to 35 tons per acre.

A summary of the acreage noted is as follows:  
Total crop 1905. Plant cane, 126.39; long ratoons, 558.61; short ratoons, 357.30; total, 1042.30 acres.

Total crop 1906. Plant cane, 172.85; long ratoons, 20; total, 192.85 acres.  
"After such investigation and further inquiry into local conditions," Mr. Pfotenbauer says, "the receiver decided to expand the limited amount of money allowed him by the court in caring for the fields of cane above mentioned.

The receiver was guided in reaching his conclusions by the limitations of the court's order as to the preservation and not development of the plantation; the conditions of the fields; the fact that Puna is strictly a season plantation, the cane tasseling in November, and how the funds available could be spent with the greatest benefit to the cane in its various stages of growth. The receiver deemed the expenditure of funds on the 192.85 acres of the 1906 crop justifiable in order to supply seed cane for prospective purchasers of the plantation, without which cane the proposition as a whole might prove less attractive."

Statements are made regarding many fields which would have constituted the 1906 crop, but which are lying neglected or abandoned. The total area of such is 322.84 acres. Something over 100 acres of land cleared but never cultivated is described. Three areas amounting to 2600 acres are described as available for development, one of which (350 acres) can be cleared for \$35 an acre, and two (total 2300 acres) for \$50 an acre. Seven or eight miles of railroad extension at a cost of \$12,000 a mile would be required for developing these lands.

A site was selected for a mill by the company, its intention having always been to have its own mill. The site is on the south side of Green Lake Hill, about 14 miles from Kapoho or Puna station, and the plantation railroad can be extended to it for \$7500. It is a convenient location for the handling of cane, as the grade gravitates to the site. Water could be easily obtained from Green Lake, a body of about a million gallons of water supplied by perennial springs. The water is fresh with absolutely no trace of salt, and so reported by Dr. Maxwell, chemist. The site is on land leased from the Lyman Estate, with the privilege to lease of about twenty acres for a mill site, at \$100 an acre.

The value of the cane has been estimated as follows: 19 tons per acre at \$4.50 per ton of cane, or \$87.50 per acre. One thousand and seventy-two acres of 1914 per acre would yield \$87,500. Estimated cost of harvesting and placing cane in cars on main track at \$15 per acre, or a total of \$15,000, plus \$2000 for cane at \$100 per acre, or \$200,000, or a total expenditure

of \$24,477.50, leaving a balance of \$63,022.50.

"The receiver discharged all help not necessarily required on the plantation, retained a bookkeeper and general overseer at \$125 a month and laborers aggregating a total fixed charge of \$350 per month for the Kapoho division and \$90 per month on the Pahoia division. A contract with a stripping gang was drawn by the receiver's attorney, and the men immediately placed in the field, as were also weeding gangs on both the Kapoho and Pahoia divisions. For the month of September the receiver has expended the sum of \$1903.78—of which he gives an itemized account. His receipts in cash on hand, rents, horse-shoeing, team hire and store sales from August 27 to September 30 amounted to \$703.51. The receiver has reduced the insurance on the premises from \$58,505 to \$7350, thereby saving a premium of \$5115.55. Heretofore insurance had been placed on the five stock and many buildings which the receiver has deemed advisable to cancel.

"The following are among the more important contracts made by the Puna Sugar Company, Limited:

"1. Contract dated July 13, 1901, between Puna Sugar Co., Ltd., and B. F. Dillingham Co., Ltd., term 15 years; agency contract for disposal of sugars and purchase of supplies.

"2. Cane hauling contract dated October 20, 1902, between Puna Sugar Co., Ltd., and Hilo Railroad Co., Ltd., same being grinding contract, and providing a guarantee of payment of interest, rent and taxes by Oloa Sugar Co., Ltd., for Puna Sugar Co., Ltd. Relative to this latter contract the receiver asks the court for instructions as to whether suit should be brought upon the same, and to that end that this court appoint a day for hearing, with notice to all parties to this suit as to the propriety and form of such instructions.

"Upon a reading of the pleadings in this action and a view of the premises, the receiver recommends that said property be sold at an early date, as a whole if possible, and if not then in lots and parcels."

"The receiver also recommends that said property be sold at an early date, as a whole if possible, and if not then in lots and parcels."

## DEATH OF JAMES RENTON OF KOHALA

(From Saturday's Advertiser)

By wireless yesterday morning, word was received of the death of James Renton of Kohala. The sad event occurred at 7 p. m. Thursday, October 15th. The deceased was in his seventy-fourth year.

Interment took place at the Kohala Cemetery at 2 p. m. on Friday, Oct. 16th.

James Renton was born at Pictou, Nova Scotia, in 1831. Of an adventurous nature he left his birthplace, when a young man, for Australia, where he lived at Melbourne until the great mining excitement at Ballarat, when he proceeded to the gold fields and followed their fluctuating fortunes for three years.

From Australia he went to Puget Sound and engaged in the lumber business, occupying the position of superintendent in several mills. Here he also resided three years. He then decided to go to Honolulu, where he arrived in 1863, and here he made his permanent home. After his arrival, Mr. Renton was foreman of the Pictou Department at Honolulu Iron Works for a long period.

Twenty-seven years ago, shortly after the passage of the Reciprocity Treaty with the United States, he entered the sugar business at Union Mill Co., Kohala, and has ever since been identified with that business—first as manager—then as president and manager.

To mourn his loss he leaves a wife, two sons, two daughters and seventeen grandchildren. Mrs. Renton is at the old home at Kohala with one son, Henry H. Renton, who will carry on the business. The daughters, Mrs. E. D. Bond and Mrs. John Hind, reside permanently at Kohala. The remaining son, Geo. F. Renton, is manager of the Ewa plantation.

James Renton was a man of sterling worth, broad-minded and charitable. Always genial, always hospitable, he had a host of friends. Until stricken with his last illness, he was active as a business man and as a citizen, always throwing the weight of his influence on the right side, and Kohala has lost one of its worthiest men.

A good husband, an affectionate father, a generous friend, he lived a long and useful life. He has fulfilled his destiny. He has gone to his own place. Peace to his ashes.

## FEDERAL CRIMINAL BUSINESS MOVING

Of eleven indictments presented by the Federal grand jury on Thursday, four are still on the secret file pending the arrest of the accused persons. Marshal E. R. Hendry is on Kauai, understood to be serving bench warrants under indictments. The grand jury in the meantime is putting in full time daily investigating other cases.

Open indictments are the following: Edwin K. Rose, for abstracting a Panama hat from the United States mails at Hilo; Eikichi Sakamoto, Shohichi Kitazaki and Kikku Kitazaki, conspiracy to take violation of law; Samaro Tonono, Kaueka and Okomoto, same as previous case; John Samoa, retailing liquor without paying Internal Revenue tax; Kobayakawa and M. Jo, illicit distilling; Thomas I. Dillon, embezzlement.

The trial jurors are under subpoena to appear on Monday.

Mrs. William G. Irwin is entertaining her sister-in-law, Mrs. Richard Irwin of Honolulu—News Letter.

# MIRANDA'S EXECUTION ELEVEN DAYS HENCE

## Within One Month of Murder of Damon --- Governor Carter Signs the Death Warrant. No Crowd Allowed.

(From Saturday's Advertiser)  
Jose Miranda, is to be hanged on Wednesday after next, the 26th of October, for the murder of Samuel Edward Damon on the night of Tuesday, the 27th of September.

Governor Carter signed Miranda's death warrant at 5:15 yesterday afternoon, immediately the preparation of the fatal document had been completed in the Secretary's office.

Prior to signing the instrument the Governor had given instructions that the execution should be conducted with the least possible ostentation and publicity. There are to be no cards of admission to the place of execution by favor. Permits to witness the solemn vindication of justice will be issued only to persons having a right or duty to be present. The general public will be represented by the press.

Following is the form of the death warrant:

DEATH WARRANT.  
The Territory of Hawaii.  
To ARTHUR MORGAN BROWN, ESQUIRE, High Sheriff of the Territory of Hawaii.

Greeting:  
Whereas JOSE MIRANDA, a native of Porto Rico, was indicted on the 28th day of September, A. D. 1904, for the crime of murder in the first degree, by the Grand Jury of the Circuit Court of the First Judicial Circuit, at a term thereof, begun and holden at Honolulu, Island of Oahu, on the 5th day of September, A. D. 1904, and

Whereas the said JOSE MIRANDA was arraigned upon said indictment on the 28th day of September, A. D. 1904, and pleaded not guilty to said charge, and thereafter, on the 3rd day of October, A. D. 1904, the said JOSE MIRANDA was put on trial before a Judge and Jury of the First Circuit Court, for the crime of murder in the first degree, as set forth in said indictment, and which trial continued from day to day, until the 6th day of October, A. D. 1904, upon which day said trial was concluded, and said JOSE MIRANDA was convicted of the crime of murder in the first degree for the killing of Samuel Edward Damon, at Moanalua, Island of Oahu, as set forth in said indictment, and thereafter, on the 11th day of October, A. D. 1904, in pursuance of such conviction, and of the law

in such case made and provided, the said JOSE MIRANDA was sentenced, by the said Circuit Court of the First Judicial Circuit, to be hanged by the neck until he be dead.

NOW THEREFORE, I, GEORGE R. CARTER, Governor of the Territory of Hawaii, by virtue of the authority in me vested by law, in pursuance of the sentence aforesaid, hereby command you, as High Sheriff of the Territory of Hawaii, that, laying aside all excuses, you take the said JOSE MIRANDA from his place of confinement in Oahu Prison, on the Twenty-sixth day of the month of October, thence next ensuing, and on that day, between the hours of Ten O'clock in the morning and Three O'clock in the afternoon, you obey, fulfill, execute and perform all and every matter and thing specified in the said sentence of the said Circuit Court of the First Judicial Circuit, and, further, that you do make due return to the said Circuit Court of the First Judicial Circuit of your action under this warrant.

WITNESS MY HAND AND THE GREAT SEAL OF THE TERRITORY OF HAWAII, at the Executive Building, in Honolulu, Island of Oahu, Territory of Hawaii, this fourteenth day of October, A. D. 1904.

(Signed) GEORGE R. CARTER  
By the Governor:  
A. L. C. ATKINSON,  
Secretary of Hawaii.

## MERCHANTS INDORSE THE PROMOTION COMMITTEE

(Continued from Page 2)

The Hawaii Promotion Committee came into existence August 1, 1903, composed of two members from each of the Merchants' Association and the Chamber of Commerce, who selected another member, making the committee membership five, of which the presidents of the above institutions are members ex-officio.

Receipts—From August 1, 1903, to June 30, 1904, the receipts amounted to \$18,700.45, out of which has been expended in the prosecution of the committee work the sum of \$15,090.64, leaving a balance on hand as of June 30, of \$3,609.81.

In addition to these receipts \$15,000 was appropriated by the Legislature. Of this sum, \$11,684.94 was expended for advertising under the supervision of the Treasurer, and paid out by warrants issued by the Auditor on the Treasurer.

The unexpended balance of this appropriation was held up by the Governor in the interests of economy. These funds not passing through the hands of the Treasurer of the Promotion Committee naturally do not appear in his report. Taking these funds, derived from government sources, together with the amounts from the committee report, we find that there has been expended for promotion work from August 1, 1903, to June 30, 1904, the sum of \$26,774.98.

Expenditures—These have all been gone over in detail and WE FIND NOTHING TO CRITICISE. The various sums spent seem to have been judiciously and economically expended. Over half a million circulars of several sorts have been paid for and distributed.

Results—This large sum of money expended in the interest of tourist travel has not been productive of better results, but we do believe that the bulk of those tourists who have come, were induced to do so by the efforts of the Promotion Committee.

We are satisfied that this first year of the existence of this Promotion Committee has been an unusually unfortunate one in which to interest tourist travel to Hawaii. The statement of all the California reports as to the falling off of travel this year bears us out in this, and what with the war in the Orient, the St. Louis Fair and a pending Presidential election, it is a wonder we got any tourists at all.

The Work of the Committee.—We find this to be a most exhaustive and thorough nature, well planned and well executed. The Hawaiian Promotion Committee is in close touch with every bureau of tourist information in the United States; every railroad and steamship line of any consequence and their literature is to be found in every place possible, where it can do the most good.

operations of this work in their hands, reporting semi-annually to their parent body.

All of which is respectfully submitted.

E. A. McINERNEY,  
Chairman,  
I. S. DILLINGHAM, Jr.,  
FEDERAL BLOCK SITES.

The Association held a short discussion on the proposed boundaries within which the Federal building should be erected. It was decided to have Nuuanu street as the boundary on the Ewa side. The sites considered were the Honolulu Hotel property, the area on King street between E. O. Hall's and Lewers & Cooke; the Irwin property adjoining the Opera House, the Bishop Estate opposite the Young Hotel. The consensus of opinion was that the building should be as near Fort street as possible.

In an off-hand discussion it was stated that the area between the Hall and Lewers & Cooke buildings is looked upon as a most central place. The proposition is to cut a street through from King to Merchant street between the Lewers & Cooke building and Emmet's place, which would necessitate the removal of Harmony Hall. Another street would be cut through from King to Merchant streets with the Hall building on the Ewa side. This would give the Federal building a frontage on four streets.

## MEMBERS FAVORABLE.

In the discussion following the reading of the Promotion committee report, all comments were more or less favorable, it being generally agreed that the work should be continued. Among those speaking to the proposition were: J. A. Gilman—"The report as read is exceedingly gratifying to me as a member of the Hawaii Promotion Committee. The outlook for the Promotion work is very good indeed. They have succeeded in negotiating with Frank Seaman in New York, one of the best advertising agents in the East, to work in that section of the country for Hawaii. As to the statement that the Promotion Committee is to bring out a number of editors to see Hawaii, I would say that the truth is that Seaman crossed some time ago he was going to stage the continent in a private car and would take half a dozen of the leading editors with him. We opened up correspondence with him with a view to his coming here. He has deferred his visit. If the editors did come, all the Promotion committee would do would be to entertain them, by seeing that they visited the proper places and are looked after generally, and so on. The Young Hotel people have stated that the Hotel would be open free to the visitors; the steamship people would give them transportation; the railroads ditto. There is no intent on the part of the Promotion Committee to pay all their expenses."

James Steiner—"I think the Promotion Committee work a good thing. I think perhaps it ought to be a little more economical."

W. W. Hall of E. O. Hall & Son—"As a member of this committee I might say that perhaps it is a little unfortunate that the first year of our advertising should happen during the Fair time, for people had plans long ahead of time to go to the Fair. I think we certainly ought to keep up our advertising and the efforts of the Committee should be extended as much as possible to get results in coming years."

"People who have come here from abroad and with whom I have talked have said that we cannot expect results the first year. It has to grow. People will see the advertising during this first period and it will finally make an impression upon them and they will plan to come here as well as other places."

Edgar Lewis of Lewis & Co.—"I agree with Mr. Hall. I would like to see this work carried on further. When the results do come, they will come strong. I feel that this work has not been wasted. There have been many factors this year to keep people away from us. With all the large steamers coming here I think that big results will come and come very soon."

J. G. Rothwell of Peacock & Co.—"I extend my appreciation to the Promotion Committee for its work, and am entirely in accord with the suggestions made that it should not be abandoned. It should be kept up for five years at least. Do not expect results too soon. The only difficulty is the means of carrying it on. I think the effort should continue along the same lines."

"We should endeavor to get lower passenger rates. I am glad the committee has already been partly successful."

W. W. Harris of Lewers & Cooke—"I agree with the report thoroughly. We cannot get something for nothing. If we stop the expenditures now it would be wrong. The work should continue. I believe the next legislature will appropriate an additional amount of money as they did before. If we are to accomplish anything in the tourist line we must keep it up."

James Wakefield of Davies & Co.—"The report of the committee on publicity is very gratifying, and it would be exceedingly foolish to let the work drop by withdrawing our support. I think there has been faithful and intelligent work done. I would like to see a committee appointed to meet a committee from the Chamber of Commerce to discuss this matter thoroughly. To expect results from one year's work would be folly. No business man would expect results in that time."

Mr. Waldron, Commission Broker—"I don't think we ought to put on the brakes while going up hill. This tonnage tax matter has substantially as much to do with the Merchants' Association as with the Chamber of Commerce. I think it would be a good thing to endeavor to have that tonnage tax turned over to the Merchants' Association, that is its part. I think it is the most even tax we can levy."

J. Oswald Lutted of New England Bakery—"I feel very much in this matter as the other members do. I think the promotion work is a good thing for the city, and believe it ought to be kept up. I notice that a line of steamers running from Vancouver has cut its

# UNDER ONE HEAD ONLY

## All Public Lands to Be Placed in Pratt's Control.

(From Saturday's Advertiser)

As a result of a conference the Governor held yesterday with the Superintendent of Public Works and the Commissioner of Public Lands, all of the public lands hitherto controlled by the Public Works Department are to be placed, with the rest of the public domain, in the custody of the Land Department. It may be news to many people that there has been any such division of departmental control. Government lands as that now about to be abolished.

Governor Carter gave the following statement on the subject to an Advertiser reporter:

"Mr. Holloway and Mr. Pratt have been with me a good part of today, considering a change relative to lands on which rent has heretofore been paid to the Public Works Department—lands not actually in the use of that Department. Quite a lot of rent has been collected by the Public Works Office."

"It has practically been a case of two departments of land and two men responsible in land matters. Each sometimes interpreted the laws differently from the other and they even made regulations at variance with each other."

"For some time past we have been asking if it would not be more economical and efficient, as well as best for the public interests, to have all of the land business under one management. The particular lands in question are a lot of remnants."

"Today we went over the list of all the lands. There were one or two technical questions to settle. Finally we decided to put all of the lands not in actual use by the Department of Public Works under Mr. Pratt, Commissioner of Public Lands, as was evidently intended by the Organic Act."

"By this change the Report of the Public Lands Department alone will show all of the revenue derived from that source. The Commissioner will be enabled to systematize the land administration more effectively, and in keeping his records can cover the business of these remnants as well as of the other lands."

## Solid Citizen Stuck

The boy who was lost in the Oloa jungle was but two months over five years of age and yet he managed to stand the exposure and privations for three days and nights without serious consequences. His father is a hard working settler and the sort of man that Hawaii needs. His little boy is a chip off the old block and will no doubt become a good citizen if pluck counts for anything. When his boy was found he wanted to show his gratitude to his neighbors for the assistance they had rendered, so he killed the only yearling calf he owned and distributed the meat among his Galician neighbors. The man is in poor circumstances, but his heart is in the right place.—Hawaii Herald.

## MISTAKEN DIAGNOSIS.

There are many people who have pains in the back and imagine that their kidneys are affected, while their only trouble is rheumatism of the muscles, which can be cured by a few applications of Chamberlain's Pain Balm, or by dampening a piece of flannel with the Pain Balm and binding it over the affected parts. A pain in the side or chest should be treated in the same manner and prompt relief is sure to follow. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for Hawaii.

rate to Honolulu. This has been done through the efforts of the Promotion Committee. There is no reason on earth why we should not have a \$100 rate from San Francisco as well.

E. A. McInerney of McInerney & Company, Ltd.—"The principal thing is funds to prosecute the work. The election is coming along. This Association, according to its by-laws, cannot dabble in politics, but I think we have a right to find out from the gentleman who are asking us for our votes what they think of this business. The tourist business is a public asset, and when we ask the legislature for funds we are asking for something that will benefit everybody whether he is a planter, a sailor or a laborer."

"I fairly took my breath away when I learned that the Chamber of Commerce looked upon the matter of the tonnage tax as a matter entirely under its control. That tax is paid monthly by the retail men of this city. I think it is time this Association should have something to say as to what should be done with that."

"I understand that not near so much will be required this year as in the past to carry on the promotion work. We can get along with considerably less money."

The special report was then adopted on motion of Mr. Harris. Upon motion the board of directors was authorized to confer with the Chamber of Commerce on the tonnage tax matter.

## REVENUE CUTTER PLAN.

A communication from the Collector of Customs was read in which the Association was asked to endorse a resolution requesting the Secretary of the Treasury to design a vessel especially fitted as a revenue cutter for service in Hawaiian waters.







## INSURERS WIN OUT

### Verdict Rendered After a Long Trial.

The Alliance Assurance Co. won the verdict in the suit brought against it by Kwong Lee Yuen & Co. on a policy insuring certain property in Chinatown which was destroyed by the fire that the Board of Health started on January 20, 1904. After a trial lasting four days the jury in Judge De Bolt's court retired five minutes past four yesterday afternoon, returning at five o'clock with a verdict for the defendant, signed by John Kidwell, foreman; Ballou & Marx and Anderson represented the plaintiff, and Robertson & Wilder the defendant.

**WOODBIDGE SENTENCED.**  
Frank L. Woodbridge pleaded guilty to the indictment for embezzlement, and Judge Gear sentenced him to imprisonment at hard labor for six months. The indictment was found on August 19, 1902, charging Woodbridge with embezzling \$25 from Mr. Phillips & Co.

Attorney General Andrews asked for a light sentence, specifying six months as such when asked by Judge Gear to state his meaning of the term. It is understood that the request came from M. Phillips & Co., out of sympathy for defendant's relatives and regard for his own poor health. Other indictment against Woodbridge for larger amounts are pending but will probably be abandoned by the prosecution. A plea of not guilty to these was rendered.

Woodbridge, before his shortage in the Phillips concern was discovered in 1902, had disappeared in a steamer for the Orient. He was a through passenger for San Francisco in the transport Logan ten days ago, and his presence on board having been discovered he was arrested under the indictments of two years ago.

#### NEW TRIAL FOR MURDER.

A star was made with the new trial of Yoshihaga Dengiro for murder before Judge Gear yesterday morning. The examination of jurors for cause exhausted the panel in the forenoon and a special venire for 49 men was issued, returnable at 10 o'clock this morning. M. F. Prosser represents the Territory, and Henry Hogan the defendant.

Dengiro was indicted for murdering his stepfather at Kapaa, Kauai, May 3, 1902. He was tried and convicted in the Third Circuit Court at Lihue, and Judge Hardy sentenced him to death. For error in charging the jury a new trial was granted by the Supreme Court and the venire was changed to the Circuit Court.

#### AN EJECTMENT CASE.

Judge Robinson was engaged yesterday with the trial of First National Bank of Hawaii vs. J. D. Gaines, J. M. McChesney and Alice M. McChesney, ejectment. The trial will be resumed at 9:30 this morning. Smith & Lewis for plaintiffs; Ballou & Marx and R. E. Anderson for Gaines, and J. W. Cathcart for the McChesneys.

The jury consists of J. J. Sullivan, Arthur Johnstone, Charles P. Osborne, Patrick Ryan, James Armstrong, John R. Moniz, Harry A. Wilder, Wm. F. Erving, Norman Watkins, Lewis C. King, James Nott Jr., Arthur L. Soule.

#### COURT NOTES.

Mrs. Kelesia Mary Poulk was appointed guardian of her daughter, Mary Kahal, by Judge Robinson.

Defendant in the suit of Pang King Chee et al. vs. A. Morimoto by his attorney, E. M. Watson, has discontinued his appeal from the District Court of Honolulu.

## AS TO HANA PLANTATION

E. A. Mott-Smith, receiver of Hana Plantation Co., has filed a preliminary report before Judge Robinson. It occupies 64 pages of typewriting. He states that he has arranged with M. S. Grinbaum & Co. to finance his receiver's paper, on the following approximate estimate of cost:

August, 1904	\$21.91
September	9,950.00
October	9,950.00
November	12,950.00

The outstanding bond indebtedness of the company on September 22, 1904, as shown by the books of the company, is \$160,000. The amount of capital stock paid in, as shown by the books of the company, on September 22 was \$457,717. The present authorized capital is \$5,000,000 divided into 50,000 shares of the denomination of \$100 each. The outstanding account due agents foots up \$374,432.50.

In conclusion the receiver recommends that the plantation be conducted along the lines set forth in the report pending settlement of the issues in the case—that of Sigmund Greenbaum and Charles Altchul, trustees, vs. Hana Plantation Co., M. S. Grinbaum & Co., Ltd., and Union Trust Co. of San Francisco. "There are certain leases," the receiver adds, "held by the Hana Plantation Co. which are of no value to the plantation. I respectfully request instructions as to the payment of rent on such leases."

The fee simple lands of the plantation are approximately 200 acres and land in the district seems to have been a

## GRAND JURY ENDS WORK

### Exclusion Act Matter Decision and Other Business.

By last night the Federal grand jury had practically completed its investigations of cases presented to it. Its final report will be rendered before Judge Dole today. Members of the body from the other islands will therefore be able to leave for their homes in today's steamers.

District Attorney R. W. Breckons has won the admiration of the grand jurors by the able manner in which he has conducted the business. He had the United States cases so well prepared that there was no time wasted. If a witness was lacking for the moment when one case was called, Mr. Breckons at once substituted another case. There was consequently a steady presentation of matters for investigation.

#### COURT BUSINESS.

On the roll call of trial jurors yesterday E. E. Hartman and T. W. Hobron failed to answer and attachments were issued to bring them into court. After a number of excuses had been granted, the available panel was reduced to seven men. A special venire was issued for eighteen men returnable today.

The sentence of John Samoa, who pleaded guilty to illicit liquor selling, was continued till today.

Captain William Treanor, master of the American schooner M. Turner, was arrested on Kauai by Marshal Hendry on a bench warrant pursuant to indictment for smuggling and selling liquor at Kahului on a former trip. He gave a bond yesterday in the sum of \$1000. The Turner is at Elele from Newcastle, N. S. W., with coal.

Adachi, charged with perjury, whom Marshal Hendry brought back from Japan under extradition proceedings, is to be tried this term.

#### EXCLUSION ACT CASE.

Judge Dole yesterday rendered a decision in the Pang Kun habeas corpus matter, in which the father of the subject contended that the boy was unlawfully prevented from landing. His conclusion reads:

"It is well settled by repeated decisions that the Federal Courts have no authority to review the decisions of immigration officers made under authority of the statute affecting the right of aliens to enter the country."

"The immigration officer was given constitutional authority by statute to determine the question of the right of Pang Kun to enter the country, subject to his right to appeal to the Department of Commerce and Labor. He has decided the question against such right. The said Pang Kun has had his appeal to the Department of Commerce and Labor, and the decision of the immigration officer has been confirmed, and such decision is made final by the statute. Unless it should appear that Pang Kun was deprived of a hearing under the statutes referred to, or that the immigration officers had in some way failed to conform thereto, so that the question had arisen in the case whether he had received the benefit of due process of law in the trial of his claim that he had a right to enter the country, this court would have no jurisdiction to interfere."

"I find no basis for interference in the facts alleged to the petition and the demurrer is therefore allowed and the petition dismissed. The Marshal is ordered to deliver the said Pang Kun to the respondent for such further proceedings as are required by law."

F. E. Thompson and C. F. Clemons for petitioner; J. J. Dunne, Assistant District Attorney, for the immigration officers.

The inventory of mill and other buildings, plantation equipment, etc., takes several pages. For the crop of 1904-05 there are 595 acres plant cane, 375 acres short first rattoons, 150 acres short second rattoons, 71 acres long rattoons a total of 1191 acres. For the 1905-06 crop there is a total in growth of 172.50 acres.

Mr. Mott-Smith appointed E. Worthington as his personal representative on the plantation at a salary of \$225 a month, H. C. Ovenden as bookkeeper at \$160 and F. S. Dunn as engineer at \$170.

The trial balance sheet, made on August 25, 1904, shows a deficiency of \$121,834.04, making the account balance at \$1,289,956.81.

The pay roll, when the receiver took charge, showed eighteen persons classed as skilled labor, with pay ranging from \$225 to \$30 a month, and 235 men and 22 women classed as unskilled labor, with wages ranging from \$1 to 40 cents a day.

The report of the receiver is set for hearing on Saturday, October 29, at 9:30, before Judge Robinson.

## DEPUTY ATTORNEY- GENERAL DOYLE

Chester Doyle left last night on the steamer Naeau for Kauai to prosecute, on behalf of the Attorney General's department, the persons responsible for the two murders committed on the Garden Isle and reported yesterday by wireless telegraph. Sheriff Coney of Kauai, who has been here in attendance on some court cases, left in the same steamer.

The man reported previously as having been found hanging to a tree in the district seems to have been a

## MAUI GRAND JURY ROASTS THE POLICE

### Alleges the Hiring of Habitual Criminals as Spies—Ashford Conducts Government Cases—Political and Personal.

WAILUKU, Maui, Oct. 15.—Late this afternoon the grand jury presented their final report to Judge Kepolika as follows:

#### REPORT OF THE GRAND JURY.

"We, the undersigned, grand jurors of your Honorable Court, beg to make our final report as follows:

"We have investigated fifteen (15) cases, and have found ten (10) true bills, as follows:

"(1) True bills found and indictments presented as follows: True, embezzlement of more than one hundred dollars; Mitahe, selling liquor without license; Papa Kahaulalo, mayhem; Manuel Chase, assault and battery with a weapon dangerous to life; Sakahe Kekichi, embezzlement; Roke, Posano, larceny first degree; Tai Sing and Ah Mai, burglary first degree; Joseph Kaili, embezzlement; Kaahine Joane and Kaia, assault and battery.

"(2) In the following cases, after due investigation, we have declined to indict, viz: Y. Sumisaki, selling liquor without license; Ah Tong et al, gaming at Kahului; Ah Lo, two cases, selling liquor without license; Aka, selling liquor without license.

"We have had several cases before us in which the police department has figured. We are much impressed with the methods resorted to by them in obtaining testimony in liquor cases, having no regard, in many instances, as to the character of their paid spies. In two cases before us, we feel that the spies were perjurers, and one spy admitted having been in jail three times, for various offenses.

"We have heard much evidence, so much as to make it convincing to our members, that the police department are lax in their methods, that many of the officers are inefficient; in fact, we think there should be a general shaking up of the department.

"Instances have come to our knowledge of the divulgence by members of grand juries of the proceedings had before them. Without a desire to mention the names of offending members of those bodies, we respectfully recommend that all grand juries and jurors be so admonished by the court, as to reprove past, and prevent future violations of the secrecy which should attend all proceedings before the grand jury.

"We further recommend that the clerk of this grand jury, Mr. T. M. Church, be paid a reasonable sum in addition to his per diem as a grand juror, for his faithful and arduous services as clerk of this body.

"We thank the court and its officers for the courtesies extended to the members of this grand jury during our labors.

"And having completed our duties, and given our best attention to all the matters submitted to our consideration by the court, or by the Deputy Attorney-General, we respectfully ask that this grand jury be now discharged for the term."

"Dated at Wailuku, Maui, this 15th day of October, 1904."

#### OPENING OF TERM.

The October, 1904, term of the Second Circuit convened on last Wednesday morning at 10 o'clock, Hon. A. N. Kepolika presiding.

Those present were: C. W. Ashford, Deputy Attorney General, prosecuting during the term; Edmund H. Hart, clerk; Chas. Wilcox, Hawaiian Interpreter; Chang Kim, Chinese Interpreter; Judge W. McKay, W. F. Crockett, D. H. Case, J. L. Coke, John Richardson, A. G. Correa, J. M. Vivas.

After the opening of the court at 10 o'clock the court delivered its charge to the grand jury.

#### THE COURT'S CHARGE.

"Gentlemen of the Grand Jury:

"We are here again in obedience to our system of laws. As a grand jury of this court, you have jurisdiction of offenses against the laws of the Territory of Hawaii committed within the Second Judicial Circuit, or within the jurisdiction of this court. Persons charged with the commission of crimes, the punishment for which is infamous, will receive your attention. All felonies belong to the class of infamous crimes.

"You are required to examine all matters submitted to you by the court, or the attorney in charge of the prosecution at this term, and other matters that may come to your knowledge in the course of your investigation, or from your own observations, or such as may be disclosed by your members, and it will be your duty to investigate without fear or favor all such crimes.

"The matters for your investigation at this term of court will be submitted to you by the prosecuting attorney. "No indictment can be found nor any presentment be made without the concurrence of at least twelve of your members."

"The court alone can excuse a grand juror, and although the grand jury may excuse temporarily one or more of its members, there must be at least thirteen of you present at each sitting.

"Your deliberations must be absolutely secret, and any one of you who discloses anything that takes place within your councils subjects himself to punishment. Each witness and interpreter should be admonished by you to keep inviolate what transpires in their presence."

"You are not to bring the person charged with the crime before you for examination, but you may permit him, if he wishes to do so, on his own volition. You must first warn him that his statement may be taken against him. You must be thoroughly satisfied that he understands what he is doing, and that he does it voluntarily.

"It is within your power to investigate alleged irregularities in public offices and other matters of public nature, and the different departments of the government within the jurisdiction of this court may be matters for your investigation when brought to your attention by the prosecuting attorney.

"You have the process of this court in compelling the attendance of witnesses in all matters, and if in any matter there is a refusal to appear before you to testify, you should at once apply to the court, and proper steps will be taken to assist you.

"The prosecuting attorney will wait upon you to assist you in all matters you may require his services or advice. An officer will be placed at your service.

"I appoint C. B. Wells, Esq., as your foreman. You will select your own secretary from among your members."

The following are the members of the grand jury: C. B. Wells, foreman; Geo. Baldwin, T. M. Church, E. Daniels, A. Doune, R. E. Ford, A. Fernandez, Jr., A. Guernsey, W. B. Hardy, C. K. Haul, Jas. Kawelo, Geo. Maxwell, L. K. Tilton and J. Miranda.

#### PROGRESS OF BUSINESS.

The following cases have been disposed of since the opening of the court: Territory of Hawaii vs. Y. Sumisaki. Selling liquor without a license. Richardson for defendant. Nolle pros.

Territory of Hawaii vs. Yak Man and John Mahau. Violating Sec. 1448 of the Penal Laws. Coke for defendants. Nolle pros.

Territory of Hawaii vs. Ah Tong and five others. Gaming. Bail forfeited.

Territory of Hawaii vs. Akma et al. Gaming. Vivas for defendants. Bail forfeited as to Hirochigi and nolle pros. entered as to other defendants.

Territory of Hawaii vs. Ah Lo (two charges). Selling liquor without a license. Coke for defendant. Nolle pros.

Territory of Hawaii vs. Aka. Selling liquor without a license. Coke for defendant. Nolle pros.

Territory of Hawaii vs. M. Cabral. Burglary, first degree. Vivas for defendant. Defendant discharged on motion of the Deputy Attorney General.

Territory of Hawaii vs. D. Kaomea. Larceny second degree. Vivas for defendant. Nolle pros.

Territory of Hawaii vs. Funaoka. Assault and battery. Defendant pleads guilty. Fined \$10, costs remitted.

J. A. Aheong vs. Haiku Sugar Co. Trespass on the case. Continued until next term by stipulation. Kinney, McClanahan & Cooper for plaintiff; Smith & Lewis for defendant.

S. Ahmi, vs. L. M. Baldwin et al. Damages. Coke and Watson for plaintiff; Magoon for defendants. Continued until next term by agreement of counsel.

W. L. Hardy vs. Hana Plantation Co. Coke and Watson for plaintiff; Holmes & Stanley for defendant. Continued until next term.

Meleaka How On vs. Amoe Ah Ho et al. Ejectment. Stricken from the calendar.

Rosalie Lyons vs. J. W. Kalua. Ejectment. Coke for plaintiff; Richardson and Vivas for defendant. Continued for the term.

Macfarlane & Co. vs. William White. Assumpsit. Coke for plaintiff; Correa and Creighton for defendant. Defendant confesses judgment.

Hackfeld & Co. vs. William White. Assumpsit. Coke for plaintiff; Creighton and Correa for defendant. Defendant confesses judgment.

The grand jury yesterday filed a partial report, finding four indictments, viz: Territory vs. Manuel Chase, assault and battery with a weapon; Territory of Hawaii vs. Sakahe Kekichi, embezzlement; Territory of Hawaii vs. Roke Posano, larceny first degree, and Territory of Hawaii vs. True, embezzlement.

It is expected that the grand jury will make their final report this afternoon or evening.

The trial of the case of the Territory vs. True was begun today before a jury and has been continued until Monday morning at 10 o'clock, owing to Mr. Ashford's engagement before the grand jury as Deputy Attorney General.

#### OTHER NOTES.

Lieut. Sam Kellinot entertained the Republican candidates for Senators and Representatives at his home at Wailuku yesterday (Friday) afternoon prior to his departure for Kona, Hawaii. Those present were: George Copp, John Kallino, M. K. Nakaina, A. N. Haywood, Philip Pali, A. G. Correa, George Cooper, F. W. Beckley, W. P. Hale and John Kiri.

A severe shock of earthquake was felt throughout Maui on last Friday morning at about seven minutes to four o'clock.

Prince Cupid, the Republican nominee for Delegate to Congress, came over to Wailuku today accompanied by Judge Mahaulu, D. Kalauokalani, Jr., and Stephen Desha, and a Republican caucus meeting has been arranged to take place at the Wailuku skating rink at 7:30 o'clock, at which time and place speeches will be made.

## LOST BOY WAS FOUND

### Movements of Political Leaders—Teachers' Union Meets.

HILO, Oct. 14.—The little Galician boy who was lost in the woods at twenty-two miles, Olat, last week, was found by his father and uncle about a mile and a half from his home on Thursday. While climbing over a log the little fellow dropped his cane knife which struck his foot cutting a deep gash. He could go no further owing to exhaustion due to exposure and loss of blood. He made a nest in the ferns and lay there until found by his father. He was carried to the station at Glenwood where Mr. Junkins and Mrs. Fuhr took charge of him. The latter was stopping at the station for a week recuperating her health and was there when the boy was brought in. She immediately took charge of him and nursed him until Saturday when she brought him to the Hilo Hospital taking care of him until he was taken to his home by his father on Tuesday. He was in a weakened state but no doubt was felt as to his ultimate recovery.

#### TEACHERS' UNION.

The Hilo Teachers' Union held its first quarterly meeting of the school year last Friday morning at the Union School. There were present thirty-seven members and sixteen visitors. President Levi C. Lyman presided, and Rev. C. E. Shields opened the exercises with prayer. The following new officers were elected: President, L. C. Lyman; vice-president, Miss Ward; secretary-treasurer, Wm. McCluskey.

The program, which proved to be a most entertaining one, opened with a class exercise of free callisthenics, executed by twelve girls from the upper grades of the Union School under the direction of Principal C. O. Smith. Mrs. Tracy followed with a class of little tots, who played several language games, designed to bring into action the different human senses.

With a fifth grade class from Miss Pomeroy's room, Miss Florence Hill illustrated her method of teaching physiology. W. H. Smith read a treatise on Philology.

#### VARIOUS ITEMS.

A Japanese charged with striking a Porto Rican at nine miles on the head with a hammer, was committed to the grand jury by Judge Hapai on Tuesday.

Rev. S. L. Desha will leave for Honolulu tomorrow for the purpose of talking over land matters with the governor. He will campaign on Maui before returning to Hilo.

There will be a big Democratic rally at the hotel grounds at 7:30 Saturday night. Frank Woods, Governor Baker, T. J. Ryan and the candidates for representatives and others will speak. The sheriff has placed the accounts of the Owl Drug Co. in the hands of W. S. Wise for collection and all persons indebted to the company will call upon him without delay and settle.

Candidate Hewitt spoke at the fish-market Friday night and left Saturday morning for Pahala for the purpose of registering. He was back again Saturday night and spoke at the meeting at Papakou.

A Japanese confined in the Hilo jail and suffering from beri beri attempted suicide last Saturday but was discovered by the prison cook and prevented from doing himself any injury. He had a noose around his neck when the cook noticed him, preparing to jump.

A Portuguese driver in the employ of Hoffschlager & Co. was stopped by three Porto Ricans near Onomea on Monday night. The man shouted for assistance and was answered by a Japanese and the men ran away. After securing help at the plantation the party went back but failed to find the Porto Ricans.

The Hilo railway shops are running as usual. There is no truth in the rumor that work has been suspended and that the shops are closed down.

#### Explain Their Defeat.

Members of the Honolulu Chess Club who took part in the wireless telegraph matches with the Hilo Chess Club explain that they resigned owing to errors made in transmission of moves. Their games were thus ruined while yet in hopeful state. Hilo did not tender the privilege of correction, as Honolulu did to Hilo in similar case early in the contests. As there is no more obligation to make such concessions in a correspondence game than exists in a match over the board, Honolulu is not kicking but only explaining.

#### LAME BACK.

This ailment is usually caused by rheumatism of the muscles and may be cured by applying Chamberlain's Pain Balm two or three times a day and rubbing the parts vigorously at each application. If this does not afford relief, bind on a piece of flannel slightly dampened with Pain Balm, and quick relief is almost sure to follow. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for Hawaii.

Hilo and the candidates for Senators and Representatives on this island.

D. H. Case, one of the leading attorneys here, will leave by the Claudine this evening on business and will return next Wednesday morning, at which time he will take up his cases. Hon. J. W. Kalua, who has been in during the past two weeks, is now

## THE LAW IN FOUR CASES

### Appeals Are Dismissed By Supreme Court.

Four cases were determined by unanimous opinions of the Supreme Court rendered yesterday. In all the appeals were dismissed. The gist of each deliverance is given below.

#### MRS. PRATT WINS.

By a unanimous opinion of the Supreme Court, written by Justice Hartwell, the verdict for the plaintiff is sustained in the suit of Elizabeth K. Pratt vs. Y. Ahin and Yee Nam, partners under the firm name of Y. Ahin Co. The case was tried before Judge De Bolt. C. W. Ashford appeared for plaintiff, and Castle & Withington for defendants. The syllabus of opinion is as follows:

"Assignment of lease by consent of lessor, followed by acceptance of rent from the assignee, does not release the lessee from its covenant to pay rent, although the lease did not prohibit assignment, and the assignee was a partner in the lessee's firm."

"A verdict for the plaintiff for \$329 and interest at six per cent." is not invalid for uncertainty in an action of covenant for nonpayment of rent payable in semi-annual instalments, fixing the date from which to compute interest.

"Defense of payment is a question of fact for the jury, concerning which no question of law is raised by a general exception to the verdict as contrary to law and evidence."

The last part refers to a claim that \$150 was paid to the plaintiff's agent, which the agent in evidence denied, and the verdict was conclusive on that point.

#### KALANIANA'OLE LOSES.

The suit of J. K. Kalaniana'ole vs. W. W. Dimond & Co., Ltd., assigning as error the order of the First Circuit Court in dismissing an appeal taken by the plaintiff in error from a judgment by default made against him by the district magistrate of Honolulu, C. W. Ashford and C. A. Long for plaintiff in error; Thayer & Hemenway for defendant in error. The law given is in effect that, though there is an appeal from a district magistrate, "the reasons, if any exist, for the removal of a default should be presented to the court which has ordered it." These words are adopted from a former Hawaiian decision, Luce vs. Chin Wa, 5 Haw. 629 (1886).

#### MATTER OF COMMISSIONS.

Justice Hatch writes the unanimous decision of the Supreme Court in the matter of the estate of August Kraft, deceased, sustaining Judge De Bolt in refusing to allow W. L. Howard, administrator, a commission of \$707.74, being five per cent. commission on the sum of \$14,154.75, the appraised value of the real and personal property elected to be taken by the legatees in lieu of the proceeds of the sale of such property.

It is found that the practice for thirty years in this jurisdiction, as well as the existing law on the subject, forbids the payment of commissions to administrators excepting upon the actual collection and disbursement of cash. On the hearing it was urged that the court should reverse the decision in the Molteno case, 3 Hawaiian 288, and follow the rule adopted in more recent cases in New York and some other States.

"The decisions in the different States are not uniform," the present decision comments. "Their statutes upon this subject differ in so many respects from ours that little aid can be gained from a consideration of the cases upon those statutes in any question of construction of our own statutes. Aside from this, however, we consider that where a rule has prevailed for so long a time in our own courts it should not be departed from unless a very conclusive case is made out for the adoption of a new rule. The statute is clear and positive in its terms, and scarcely allows room for difference of opinion in the construction of the same."

In conclusion, however, the court inclines to the view that the law might properly be changed, saying: "It would appear reasonable that an executor in cases like the present should receive some compensation for services both in the care of the real estate and in preparing for a sale. The court, however, is without authority to make an allowance. The only remedy is through the Legislature by an amendment of the statute."

#### LAND TITLE.

Judge De Bolt is sustained in a decision he made in the case of Magpie Fisher vs. Keukahi Wallehua and J. Alfred Magoon, by a unanimous opinion of the Supreme Court written by Justice Hatch. The appeal of the defendants is dismissed. E. M. Watson appeared for plaintiff; J. Alfred Magoon and J. Lightfoot for defendant Magoon. The syllabus explains the point decided, thus:

"A deed conveying fifty acres out of a larger tract or tracts, but not attempting to locate the parcel conveyed, takes effect as a conveyance of an undivided interest in the whole land. It is not void for uncertainty. The interest conveyed is in the proportion of the number of acres conveyed bears to the number of acres in the whole land."







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Kinney ..... D  
J Alfred Magoon to J J Dower ..... Rel  
David Kahana and wf to Hans M  
Gittel ..... D  
Tos of Est of B P Bishop to Ka-  
moku Kakuhi et al ..... D  
Kila and wf to Kishine et al ..... D  
John F Bowler to Albert H Mo-  
Chesney ..... AL  
Y Ahin to John F Bowler ..... Consent

Recorded Oct. 5, 1904.

B C Greenwell (Mrs) to W C Achil:  
Can L; R P 2790, Honolulu, N Kona,  
Hawaii. B 257, p 496. Dated July 12,  
1904.

Chong Lung to Lau Choon; BS; lease-  
hold and bldgs, Koloa, Honolulu, Oahu;  
\$1100. B 255, p 218. Dated Aug 28,  
1904.

Est of William L Wilcox by Executor  
Elizabeth K Meyer; D; int in Ap 5,  
Kul 5011, Ap 4, Kul 2710 and Kul 1210,  
Kalihi, Honolulu, Oahu; \$500. B 258,  
p 409. Dated Aug 30, 1904.

Iosia Keawe to Hawn Realty & Matur-  
ity Co Ltd; M; R P 2700, Kul 3261,  
Nimulau, Kaula; \$122. B 262, p 30. Dated  
Oct 5, 1904.

Recorded Oct. 6, 1904.

Francis M Swamy to Hamakua Mill  
Co Ltd; L; Gr 2222, Paauilo, Hamakua,  
Hawaii; 50 yrs pd \$122. B 257, p 497.  
Dated Oct 1, 1904.

Francis M Swamy to Hamakua Mill  
Co Ltd; L; 1/4 int in R P 4527, Kul 26B,  
rents, etc, Kohala, Hamakua, Ha-  
waii; 50 yrs pd \$16,000. B 257, p 498.  
Dated Oct 1, 1904.

Emma L Dillingham and hsb to Est  
of W C Lunallilo by Trs; Extra M and  
Add Secy; for 3 yrs from Jan 13, 1905,  
to Jan 13, 1908, 100 shares in Waiwala  
Agric Co Ltd; \$1. B 262, p 82. Dated  
Sept 29, 1904.

Marion M Luning to Joseph Maybin;  
D; lots 16 and 17, blk D, and lots 40  
and 42, blk C, Kapoli, Park Addn,  
Honolulu, Oahu; \$1, etc. B 258, p 411.  
Dated Sept 10, 1904.

John Kaelele to Lillukalani; D; int  
in: Kuls 2224 and 4435, Walaale, etc,  
Koolauloa, Oahu; int in shares in Hui  
Land Waiwala, Waiwala, Oahu; \$1, etc.  
B 258, p 412. Dated Oct 1, 1904.

Recorded Oct. 7, 1904.

Kekula and hsb to S M Damon; D;  
int in pgs land, Moanalua, Honolulu,  
Oahu; \$500. B 258, p 413. Dated Aug  
22, 1904.

Kina Kawahala (w) to Hee Chan  
Bowl; L; 1/2 int in R P 2232, Kul 2145,  
Kauluwa, Honolulu, Oahu; 5 yrs at  
\$50 per yr. B 253, p 52. Dated Oct 6,  
1904.

Recorded Oct. 8, 1904.

W F Allen and wf to Albert S Wil-  
cox; D; Gr 4846, Puuopehu, Hanalei,  
Kauai; \$4056. B 253, p 414. Dated Oct  
8, 1904.

Henry Waterhouse Tr Co Ltd Trs to  
H C Davis; Rel; lot 40, blk A, Kulaoka-  
hau, Honolulu, Oahu; \$1200. B 214, p  
424. Dated Oct 8, 1904.

Hilo Mercantile Co Ltd to Enterprise  
Planing Mill Co; L; pc land and 12 ft  
R W Hilo, Hawaii; 25 yrs at \$25 per  
month. B 257, p 500. Dated Mar 1, 1901.

Malaki Nihoa and wf to Kaholowale  
(w); D; 1-1-3 A land, Kukuia, Hilo,  
Hawaii; \$1, etc. B 253, p 415. Dated  
Oct 1, 1904.

Waldemar H Rogers and wf et als to  
Zelle K Rogers; Part D; sub-div 3 of  
Ap 1, R P 2162, Kul 2420, Kailua, Wa-  
luuku, Maui; \$1. B 253, p 416. Dated  
Oct 7, 1904.

Zelle K Rogers et als to Waldemar  
H Rogers; Part D; sub-div 2 of Ap 1,  
R P 2162, Kul 2420, Kailua, Wa-  
luuku, Maui; \$1. B 253, p 418. Dated Oct  
7, 1904.

Zelle K Rogers et als to Edward H  
Rogers; Part D; sub-div 1 of Ap 1, R  
P 2162, Kul 2420, Kailua, Wa-  
luuku, Maui; \$1. B 253, p 416. Dated Oct  
7, 1904.

Zelle K Rogers et als to Elizabeth  
Sommerfeld; Part D; sub-div 4 of Ap  
1, R P 2162, Kul 2420, Kailua, Wa-  
luuku, Maui; \$1. B 253, p 416. Dated Oct  
7, 1904.

Lupua K Hookano (w) to Mary Lee  
Kwai; D; lot 13, blk 15, Kewalo Tract,  
Honolulu, Oahu; \$1, etc. B 253, p 420.  
Dated Oct 1, 1904.

Recorded Oct. 10, 1904.

Maria J Baptista and hsb (M) to  
Mariano de Falva; D; por lot 8, Ahua-  
loa, Hamakua, Hawaii; \$200. B 261, p  
423. Dated Sept 27, 1904.

Maria J Baptista and hsb (M) to Jose  
Perelra; D; por lot 8, Ahualoa, Hama-  
kua, Hawaii; \$250. B 261, p 429. Dated  
Sept 27, 1904.

T K Pipi to Akina; D; Kul 935, Ka-  
auhau, Hamakua, Hawaii; \$10, etc.  
B 261, p 430. Dated Oct 8, 1904.

Geo Cockett and wf to D T Fleming;  
M; int in pgs land, Kula, Maui; \$150.  
B 262, p 85. Dated Aug 25, 1904.

Toraki Ogata et al to Ushikubo Fu-  
ruyama; CM; leasehold, crop of cane,  
etc, Pahala, Kau, Hawaii; \$1280.15. B  
262, p 87. Dated Feb 26, 1904.

George K Kekaouha and wf to Church  
of Latter Day Saints Jesus Christ by  
Tr; D; Ap 1 of R P 925, Kul 4233, Laie-  
wai, Koolauloa, Oahu; \$40. B 253, p 421.  
Dated Aug 31, 1904.

Church of Latter Day Saints Jesus  
Christ by atty of Tr to George K Ke-  
kaouha; D; 85-100 A land, Laie, Koolau-  
loa, Oahu; \$50. B 253, p 422. Dated  
Sept 8, 1904.

J Kalia to Onomes Sugar Co; L; 1/4  
int in 55 A land, Puuoli, Hilo, Hawaii;  
8 yrs at \$80 per yr. B 262, p 54. Dated  
Oct 6, 1904.

A Zimmernann to August Itin and  
wf; Rel; lot 63 of Patent 4113, Olaa,  
Puna, Hawaii; \$1500. B 222, p 21. Dated  
Oct 4, 1904.

August Itin and wf to Manley J  
Kachid; M; lot 63 of Patent 4113, Olaa,  
Puna, Hawaii; \$2000. B 262, p 83. Dated  
Sept 13, 1904.

Quong Tai Jan (firm); Co-P D; gen-  
eral mds and groceries, Kalihiwai,  
Kauai; 30 yrs. Cap Stock \$5000. B 263,  
p 217. Dated Feb 1, 1903.

Ho Poi to Ho Son; BS; int in 1 share  
in Man Sang Co, Hanalei, Kauai; \$700.  
B 263, p 218. Dated Oct 19, 1904.

**ANHEUSER-BUSCH'S MANAGER****CURED OF A HEAVY COLD.**

Mr. Albert E. Stahmer, manager Anheuser-Busch Brewing Association, Cape Town, Africa, says: "During my trip in the Transvaal I contracted a severe cold, and am pleased to state that in Chamberlain's Cough Remedy I found prompt relief and after continuing it for a few days was entirely rid of the distressing indisposition." For sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for

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**COMMERCIAL NEWS**  
BY DANIEL LOGAN.

With signs of promise at home and abroad for the coming sugar year continuing unabated and even brighter than ever, the local market for stocks yet shows a slight falling off. Ewa has dropped fifty cents a share and Kihei has weakened somewhat. Pioneer Mill is an exception, having sold at a figure between the prices bid and asked last week. Although but one block of 177 shares at \$120 has been reported on the sheet, it is credibly stated on the street that an order for 300 shares at that price has been filled, the stock going to Germany. McBryde has also developed a little strength in demand, 500 shares having changed hands at \$4.

No diminution of confidence in the prospects of stocks is thought to be the cause of the weaker market. It is merely a condition of slack water after the filling of a goodly series of large orders. Small orders for the time being go begging. There is a general feeling of assurance that things will not go backward, which is enhanced by the latest estimates of the world's sugar market for the ensuing year. Those willing to buy are just holding back, the revival having scarcely passed the stage of a speculative flurry. No doubt the old story will be repeated of a strong demand "at current prices" when the stocks wanted cannot be had one day for the previous day's rating. Many people today are ready to buy, but unwilling to put up a margin. It is the wise investor who can pick out a good "buy" while the security is yet well below its intrinsic value. At present it is somewhat hard to negotiate loans, the banks holding large amounts for the payment of taxes next month and individually held capital being a little shy. There is a reasonable certainty that many sugar companies which suspended dividends when the situation was depressed will resume paying them the first of the year and some indeed, it is said, next month. Dividends that were reduced will also be restored to the former rates. Hawaiian Commercial & Sugar Co. stock a while ago was coming here from San Francisco. It would appear that the holdings over there now have become scarce of the demand, for within the past week some H. C. & S. Co. shares have been sent to the Coast from here.

**SALES AND DIVIDENDS.**

Following are the sales in detail reported during the week: Haiku Sugar Co. (par \$100), 10 shares at \$130; McBryde Sugar Co. (par \$20), 25 shares at \$4; Olaa Sugar Co. (par \$20), 65 shares at \$3.75; Waiwala Agricultural Co. (par \$100), 45 shares at \$50; Honoum Sugar Co. (par \$100), 50 shares at \$116; Honolulu Rapid Transit & Land Co. (common (par \$100), 8 shares at \$65; Olaa Sugar Co., 20 shares at \$3.75; Honolulu R. T. & L. Co., common, 10 shares at \$65; Waiwala Agricultural Co., 45 shares at \$50; Ewa Plantation Co. (par \$20), 40 shares at \$24; McBryde Sugar Co., 67 shares at \$4; Olaa Sugar Co., 60 shares at \$3.75; Honolulu R. T. & Land Co., 20 shares at \$65; Pioneer Mill Co. (par \$100), 177 shares at \$120; Ewa Plantation Co., 10 shares at \$23.50; Kihei Plantation Co. (par \$50), 55 shares at \$12; Honokaa Sugar Co. (par \$20), 45 shares at \$16; McBryde Sugar Co., 270 shares at \$4; Oahu Sugar Co. 6 per cent bonds, \$1000 at par.

Dividends were announced yesterday as follows: Oahu Sugar Co., one-half per cent; Oahu Railway & Land Co., one-half per cent; Pepee Sugar Co., one and one-half per cent.

**THE WORLD'S MARKET.**

Willett & Gray's (New York) Sugar Trade Journal for September 29 contains the following information and estimates, which if borne out by the events means a strong sugar market for next year:

"The markets for the week under review, have still been under the influence of the latest estimates for the European beet crops. This is especially true of the European markets, which not only have advanced above our parity for beet sugar, but also for cane Java sugars, making it practicable to sell the latter for Greenock delivery in preference to the highest obtainable price here. Our refiners do not yet appear to realize at its value the meaning of the deficient beet crops, and while having present large arrivals remain unconcerned as to their future supplies. Under these circumstances, business in Javas for arrival has been restricted to such offerings as could be obtained on basis of 4 1/2c. duty paid for 60 degree test, while sellers at the current spot quotations of 4 1/2-16c. have to wait a market, which will come later on. The strength of the market is indicated by the sales at 4 1/2c. of sugars not due to arrive until late November or December.

"We call attention to the figures published by us in our Weekly Journal of August 11th, based on estimated stock of 1,400,000 tons in principal countries, September 1st, 1904, and estimate of 5,120,000 tons as output of the new European beet crop, showing a probable reduction in world's stock to 605,000 tons at the end of the next campaign, September 1st, 1905, and after allowing for a decrease, instead of usual increase, in world's consumption.

"The actual stock in principal countries, September 1st, 1904, is now ascertained to be 1,207,005 tons, and Mr. F. O. Licht, a week ago, estimated the new European beet crop at 5,100,000 tons, showing that our figures last month were very conservative.

"On the basis of the new data, therefore, the prospects are that the stock in the world on September 1st, 1905, will be reduced to 400,000 tons, unless prices advance so high that consumption will be restricted, even more than we have provided for."

**THINGS IN GENERAL.**

Although real estate is still generally regarded as inactive and depressed, there are some symptoms of improvement. Some having improved property to sell are holding out against cash prices that would quite lately have been considered good for the times, which would indicate that henceforth buyers are not going to have it all their own way. Manoa lots in the hands of J. F. Morgan have begun to move at five cents the square foot. He has several propositions including the erection of dwellings under way. Oahu College Trustees have an improvement decided on which will probably attract more home-seekers to College Hills. This is to build a road from the vicinity of the college pumping station, at Wilder avenue and Alexander street, to College Hills tract, passing behind the college grounds and Rocky Hill. It will afford a new means of access to the suburb named and form a pleasant driveway clear of the electric car route.

The mercantile community has been much exercised the past week over the consideration of tourist promotion work. Meetings of the Chamber of Commerce and the Merchants' Association have been held to discuss the first annual report of the Hawaii Promotion Committee. There was considerable reluctance on the part of the Chamber to continue its support of the campaign, but the Association evinced a determination to persevere and passed its unqualified approval upon both the work and the financial accounts of the committee. Among the substantial results obtained through the efforts of the committee are to be noted, especially, the securing of hearty co-operation of several large transportation concerns on the mainland in advertising Hawaii for tourists, and the obtaining from the Canadian Pacific interests the concession of a round trip rate of \$100 between Honolulu and Vancouver.

Small farming is given encouragement by the Bishop Estate in the proffer of homesteads in Kona, Hawaii, under right of purchase leases. The lands are adjacent to the promising vanilla plantation of Mr. Edwards.—The tobacco-raising experiment in Hamakua being conducted by the U. S. Experiment Station Director shows, in its first crop at nearly the final test, good promise of a substantial tobacco industry for Hawaii as the outcome. The importance of this for retaining money in the islands may be partly judged from the fact brought out in court the past week, that a single brand of tobacco is worth \$20,000 a year to the firm handling it which is contesting in equity proceedings its deprivation of the agency.—There was a meeting yesterday of Chinese rice factors to consider the great depression in that industry.—Hilo people are said to be weakened up over a threatened withdrawal for the winter season, by the Matson Navigation Co., of the steamer Enterprise between that port and San Francisco. The service is most important to the newly developed banana industry of the district. A diversion of the Enterprise from her route to tow an oil ship from San Francisco to Honolulu—arriving a couple of days ago—is an incident quickly followed by the shipment of bananas from Hilo to San Francisco by way of Honolulu.—The Government is enforcing the citizen labor law not only with regard to contractors for public works, but in the cases of district road boards.—The incorporation of the Oahu Market Co., by Chinese capitalists, with ten per cent of its capital stock of \$70,000 paid in, is an item of the week.—There is a bare possibility that both Puna and Kamalo plantations will find purchasers, at the forced sales of those properties, which will buy for the purpose of developing the enterprises according to the designs of their original promoters.—The visits of the transports Logan and Sheridan, from Manila and San Francisco respectively, at about the same time enlivened both business and social circles the beginning of the week.

**SAVE YOUR HAIR**

With Shampoos of



And light dressings of CUTICURA, purest of emollient skin cures. This treatment at once stops falling hair, removes crusts, scales, and dandruff, soothes irritated, itching surfaces, stimulates the hair follicles, supplies the roots with energy and nourishment, and makes the hair grow upon a sweet, wholesome, healthy scalp, when all else fails.

Complete External and Internal Treatment for Every Humour. CUTICURA Soap, to cleanse the skin of crusts and scales and soften the skin, and CUTICURA Ointment, to instantly allay itching, inflammation, and irritation, and soothe and heal, and CUTICURA Resolvent, to cool and cleanse the blood. A single application is often sufficient to cure the severest humours, with loss of hair, when all else fails. Ask Dealer: E. J. Davies & Co., Sydney, N. S. W., So. African Depot: LEWIS L. FROST, Cape Town. All about the skin, scalp, and hair, post free. CUTICURA CO., Sole Props., Boston, U. S. A.

**DR. J. COLLIS BROWNE'S CHLORODYNE.**

ORIGINAL AND ONLY GENUINE.

Each Bottle of this well-known Remedy for

Coughs, Colds, Asthma,

Bronchitis, Neuralgia, Toothache,

[Diarrhoea, Spasms, etc.,

bears on the Government Stamp the name of the Inventor

DR. J. COLLIS BROWNE.

Numerous Testimonials from Eminent Physicians accompany each bottle.

Sold in Bottles: 1/16, 2/9, 4/6, by all Chemists,

Sole Manufacturers, J. T. Davenport, Limited, London.

**EXPERIMENT IN TOBACCO****Director Jared G. Smith Finds Conditions Promising.**

Director Jared G. Smith of the Federal Experiment Station returned in the Kilauea from a special visit to Hawaii, of which he gave the following particulars to an Advertiser reporter:

"I went over to visit the tobacco-growing experiment in Hamakua. The crop is in very good shape, both as to growth and quality. I was greatly pleased with the looks of it.

"I think there is quite a stretch of country along the Hamakua coast which will grow good tobacco and this is also the case with a considerable stretch of land in Kona.

"The Hamakua land on which the experiment is being made is leased in the name of the Secretary of Agriculture. It contains two and a half acres. The money for the experiment is partly contributed by the Territory, coming out of the appropriation for the aid of the U. S. Experiment Station.

"It looks very much to me as if the experiment is going to be a success. We will at all events carry on the work for another year or two. Thus far we have learned a good deal, mastering many points that will be very valuable in next year's operations.

"The tobacco has been free from insect work. In fact the only serious disease that has developed this year has been the clubroot, caused by a parasite worm in the root. This is always worse on new land. Cultivation is the remedy for such parasites as cause clubroot. I have found that a good many native weeds in the adjacent forest of Hamakua are troubled with the same malady. It is nothing so serious that it cannot be successfully combated.

"We have about an acre of tobacco under cloth, the cloth especially prepared for the purpose. I think that artificial shade in that part of the islands is not necessary, as we have got about as good tobacco outside as under the tent. Probably some shelter would be necessary, but a certain proportion of tree shade ought to be sufficient.



## HOW SUGAR CANE MIGHT BE HELPED

Honolulu, Oct. 17, 1904.

Editor Advertiser: I do not want to enter into a controversy with Mr. Jared Smith on the value of soil inoculation but it seems to me that in his opinion was correctly reported in Sunday's paper he has missed the most important part of the article as far as we are concerned. The paragraph referred to is:

"The germs can be used in any climate. It must be clearly understood, however, that only leguminous plants—beans, clover, alfalfa, peas, lupin, vetch, etc.—are directly benefited by the nitrogen fixing bacteria. Where the soil is rich in nitrates, the crop is not appreciably increased by the use of the inoculating bacteria; but where the soil is poor, the harvest is increased many times."

Now, to my knowledge, several of the plantations in the islands have planted lupins occasionally to improve their poorer lands, would not the value of this planting have been immensely increased if the seed had been previously treated with this nitrogen fixing bacteria? In the table attached to the article cotton increased 40 per cent, oats 300 per cent, rye 400 per cent and wheat 46 per cent. None of these are legumes but were planted the season following a crop of bacteria-treated legumes. Would not the effect be the same with sugar cane?

C. V. E. D.

## WALLER MAKES A KEYNOTE ADDRESS

(Continued from page 1)

matter for a candidate to make promises to his constituents and another thing for him to fulfill them. It is for this reason that I do not propose to commit myself to any rash promises. The integrity of the men on the tickets should be scrutinized and proper consideration given to the question as to whether they are of the caliber likely to favor legislation for the masses instead of legislation for the masses. Unless we are prepared to do our duty to those we represent we cannot expect them to do their duty to us, and if we are to stand for the government of the people by the people and for the people, we cannot consistently favor any measure that looks solely in the direction of personal advantage.

I make no pretense at being a professional politician, but being a resident of this community for over twenty years and having been identified during that time with its interests I have watched with close attention and sometimes with great apprehension the administration of public affairs, and I have seen the wheels of the government clogged by the personal greed of those who had pledged themselves to conserve the public weal, and I come before you in this campaign with the pledge that I will do the best with the hand I have for the common interests of the community—that I will have the spirit to do anything that appears not foul in the truth of my spirit—and though conscious of the methods employed to impugn the motives of an individual who essays to appear in public life, I am prepared to let the dogs bark and pass on.

### Who Langston Is.

James Frye Langston was born at Knob Noster, Missouri. He graduated from the State Normal School in the class of 1889 and afterwards taught school for two years. He then removed to Colorado and Montana, engaging in the business of a contractor and millwright. When the Spanish-American war broke out he was employed by the United States government as a draughtsman in the Engineer Corps of the army and served in Utah, California and Honolulu during the war. During this time he was promoted twice and received an honorable discharge with a clean record, not having a mark against him in all his service. Since residing in Honolulu he has engaged in the business of a contractor with the firm of McDonald & Langston.

### Sugar List.

Admiral Beckley reports the following sugar ready for shipment at Hawaii ports: Honolulu, 3600; Honoapua, 1732; all others, none.

### VESSELS IN PORT.

#### ARMY AND NAVY.

U. S. S. Iroquois, Niblack, station vessel.  
U. S. Training Cruiser Buffalo, Everett, Midway and Alaska, Sept. 30.  
U. S. Coast Survey Steamer Patterson, Pratt, Dutch Harbor, Oct. 13.

#### MERCHANT VESSELS.

Alpena, Am. schr., Spicer, Newcastle, Oct. 16.  
Doric, Br. S. S., Smith, Hongkong, Oct. 17.  
Erskine M. Phelps, Am. sp., Graham, Philadelphia, Aug. 31.  
Fairport, Br. sp., Armstrong, Hamburg, Oct. 4.  
Mohican, Am. bk., Kelly San Francisco, Oct. 7.  
Olympic, Am. bk., Evans, San Francisco, Oct. 12.  
Santiago, Am. bk., Anderson, San Francisco, Aug. 22.

CHAMBERLAIN'S COLIC, CHOLERA AND DIARRHOEA REMEDY.  
The uniform success of this remedy has made it the most popular preparation in use for bowel complaints. It is everywhere recognized as the one remedy that can always be depended upon and that is pleasant to take. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for Hawaii.

## GOVERNMENT AID TO THE PORT.

## River and Harbor Bill Soon To Shape Up.

(Mail Special to the Advertiser.)

WASHINGTON, D. C., Oct. 17.—Chairman T. E. Burton, of the House River and Harbor Committee, when here a few days ago, stated that there would be a river and harbor bill at the session of Congress this winter and that his committee would begin the preparation of that measure immediately after the election, which is November 8. The purpose of the early preparation is to have the bill somewhere near ready for consideration by the House when Congress meets early in December.

He reiterated his friendliness towards Hawaii. "I feel disposed to do something on that bill, for the outlying possessions, if it is possible," said Mr. Burton, "but I do not want the facts regarding the harbors out there presented to me now. I should forget it all between now and November. After the election I shall be glad to hear what the conditions are so that they can be considered when we get to making up our bill."

The intention is to ask the committee for \$250,000 for Honolulu harbor and to press for that very earnestly. As is probably well understood already in Honolulu, the Territory will get nothing this winter if too many requests are pressed before Congress. The effort will be to concentrate upon a few of the most urgent matters and not let up till they are granted. One of these few items will be a \$250,000 appropriation for Honolulu harbor. Although the appropriation of that without a complete survey may be irregular, Mr. Burton is a very sensible man about improvements and a strong plea will be made with him as to the urgency of the Honolulu improvement. The inability of the big Pacific Mail liners to enter the harbor there and the prospects that they will have to take the northern passage, unless the harbor be deepened, as well as other arguments, will be pressed home forcibly.

### JAPANESE FOR PANAMA.

Some inquiries have come here from Japan and also from Honolulu about the availability of Japanese laborers for digging the Panama Canal. The information thus far gained is not a very favorable character. In the first place it is not altogether improbable that little labor from distant places will be wanted. Admiral Walker, chief of the Canal Commission, said the other day that laborers were pouring in upon the isthmus from Trinidad and adjacent places in expectation of getting long jobs on the big ditch. The French left quite a working force in the Culebra cut. Furthermore, the recent estimates of the engineers are for a much smaller number of laborers than originally. At first Admiral Walker thought that as many as 40,000 laborers would be wanted. Chief Engineer Wallace, after looking the project over closely, is convinced that improved machinery will play a much greater part in the excavations than was supposed and that this machinery will take the place of thousands upon thousands of laborers. Admiral Kenney who has recently been upon the isthmus, stated his opinion the other day that the working force of laborers necessary might be as small as 4000.

There is another difficulty about engaging Japanese laborers. It is the assurances required by the Imperial government that these laborers be well cared for and that they be returned eventually to their homes. These bonds and guarantees, required by the Imperial government, are costly and obtained only after considerable difficulty. Especially with but a small force of laborers needed, the prospects of Japanese labor being employed on the canal is very small.

### HONOLULANS IN WASHINGTON.

Mr. J. S. McCandless, of Honolulu, is in Washington today and starts on a trip to New York tomorrow. He is here primarily to place his niece in a boarding school at Forest Glen, which is about a half hour's ride from this city. Mr. McCandless expects to return here before he starts West.

Dr. I. Mori, of Honolulu, well known as a physician there, is at the New Willard Hotel in this city. He has come to the States to read a medical paper on brain surgery before the Medical Congress at St. Louis. His visit to Washington is both on business and on pleasure. The doctor is highly pleased over his trip through the States. Hon. and Mrs. William Haywood have arrived here from Honolulu and are now at their I street residence. Both enjoyed their stay in the islands. Mr. Haywood made a flying visit to New York late last week on personal business and is just back in town. He met both Dr. Mori and Mr. McCandless here this morning.

### GOV. CARTER'S REPORT.

Governor Carter's annual report has reached the Department of the Interior and has been sent to the Government Printing Office. It was said today that it would be fully two weeks before the report would be in type and ready to be made public. Nothing will be said at present from the department about the contents of the report or about the Governor's recommendations. Secretary Hitchcock is in town but thus far has not given the Hawaiian report any con-

sideration.

### CAMPAIGN IS LIVELIER.

The Presidential campaign is now opening up with some vigor, although thus far the apathy on the part of voters in pivotal states is most marked. That frightens both parties. Democrats made great headway last week in New York State, and Judge Parker has started the organization of his party to work in the most vigorous fashion. The concession that New York State with thirty-nine electoral votes is about a toss up as between Parker and Roosevelt and also the concession that Judge D. Cady Herrick, the Democratic candidate for Governor, stands the best chance of being elected, has given Democrats elsewhere immense enthusiasm. The judgment of all conservative observers still is that Roosevelt will almost surely be elected, but Parker's much smaller chance is steadily improving. If Democrats can carry New York they must fight for about twenty electoral votes elsewhere to win, as a few small States are very likely to go for Parker.

That is what promises to make the struggle for Indiana, New Jersey and Connecticut something terrific before October is over. The Democrats have money and are prepared to spend it in States like Indiana and West Virginia, where the purchasable vote is very large. But in New Jersey the Democratic prospects, with election only five weeks away, are very poor. In Connecticut the Democrats are more hopeful than in New Jersey and in Indiana more hopeful than in Connecticut. Judge Parker is now spending most of his time in New York City, making a strenuous effort to bring the Bryan faction into line. He is gaining a great reputation as a pacifier and has had such marked success thus far that still greater successes are predicted for him in bringing Bryanites back.

### REPUBLICAN QUARRELS.

The whole trouble with the Republicans is their local quarrels in many pivotal states, added to which is their supreme confidence that their candidate can not be beaten. Roosevelt himself shares that view, which is inspired by Chairman Cortelyou. It is not seriously disputed that the Democratic campaign has gained in the last week and that the Republican campaign is now losing ground. But the Republican leaders are moving heaven and earth to put spirit into their workers. If they succeed they may forge ahead and approach election day with more impetus than they have now. There is a very large silent vote, which refuses to declare itself. The poll takers in many States make the same reports on that point.

### FOREIGN SUGAR.

United States Consul General W. R. Holloway, of Halifax, Nova Scotia, has forwarded to the Department of Commerce and Labor two reports on sugar crops. One is on the sugar crop of British Guiana and the other on the sugar crop of Barbados. With reference to British Guiana, Mr. Holloway says that "according to the Maritime Merchant, advices from Demerara state that the advanced cane, that is, those due for October, November and December reaping, are growing, but with less vigor than is usual at this season. The majority of these canes will be short when reaping time arrives and the yield of sugar will not be up to the average. The supply of labor continues short of requirements. At no period during the past twelve months has sufficient labor been available to undertake the full quantity of work offered by the estates."

"The sugar shipments for British Guiana in 1903 and 1904 were as follows:

	Exports of sugar from British Guiana during the first eight months of 1903 and 1904.	Whither shipped.
	1903a	1904a
United Kingdom	2,929	3,763
United States	31,576	4,390
Canada	23,048	32,995

Total . . . . . 57,553 41,148

a To Aug. 11, 1903, and to Aug. 9, 1904.  
"Barbados report of August 13 says: 'Our sugar crop is now at an end with closing prices \$1.95 for 100 pounds for muscovados and \$2.30 for dark crystals, and it now appears that the output has

## PAIR EXCHANGE.

A New Back for an Old One  
How It is Done in  
Honolulu.

Sometimes the back aches with a dull, indescribable feeling, making you weary and restless; sometimes pain shoots across the region of the kidneys, and again the loins are so lame to stoop is agony. No use plastering or rubbing the back in this condition. You cannot reach the cause. To exchange a bad back for a new and stronger one, follow the example of this Honolulu citizen:

Mr. A. J. Cahill, of Fort street, this city, night watchman in the employ of Messrs. T. H. Davies & Co., Ltd., says: "Whilst a young man I was a sailor and at one time worked for the Inter Island service. I was, however, obliged to give up sea life on account of severe suffering from my back and kidneys. For this I had tried various remedies, but the one which restored me to health was Doan's Backache Kidney Pills—procured at Hollister's Drug Store. They relieved me completely after years of suffering. If any one desires further particulars he may apply to me. I am to be found at Van Dorn's Ship Chandlery, Fort street."

You should get the same medicine which helped Mr. Cahill. See that the full name DOAN'S BACKACHE KIDNEY PILLS is on the wrapper and refuse any imitation.  
Doan's Backache Kidney Pills are sold by all chemists and storekeepers at 50 cents per box, six boxes \$2.50, or will be mailed on receipt of price by the Hollister Drug Co., Honolulu wholesale agents for the Hawaiian Islands.

been overestimated, as we shall ship only about 58,000 tons, while earlier estimates gave the crop as 65,000 tons."  
ERNEST G. WALKER.

### Shipping Notes.

Five days' mail will arrive tomorrow on the Pacific Mail liner Mongolia which left San Francisco on the 13th.

The schooner Alpena hauled over to the coal wharf yesterday to discharge her 1500 tons of coal.

Six Japanese laborers are to be taken to Midway on the U. S. S. Buffalo in addition to the eight white workmen.

The bark Andrew Welch arrived from San Francisco yesterday morning after a passage of eighteen days from San Francisco.

The Alameda was at Railway Wharf No. 2 yesterday loading sugar and a big shipment of pineapples, amounting to 4000 cases.

The Nevada was expected last night from the Sound but had not been reported up to ten o'clock. Evidently heavy weather prevails between this port and San Francisco.

The Rosecrans is still out. She has now been thirteen days in coming from San Francisco. Her longest previous record was eleven days. A terrific storm was encountered on that voyage.

### COURT NOTICES

#### HACKFELD VS. P. E. LAMAR.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, TERRITORY OF HAWAII—OCTOBER TERM, 1904.

H. Hackfeld & Company, Ltd., a Corporation, Plaintiff, vs. P. E. Lamar, Defendant, The Pioneer Mill Co., Ltd., a Corporation, Garnishee.

ORDER OF COURT FOR PUBLICATION OF SUMMONS.

Upon reading and filing the affidavits of L. N. Baldwin, and D. H. Case, and, it appearing to me therefrom that defendant P. E. Lamar, has removed from, and is now a non-resident of the Territory of Hawaii, and that he is now living in the city of San Francisco, State of California; and, it also appearing from said affidavits that a cause of action in assumpsit exists between said H. Hackfeld & Company, Ltd., as plaintiff, and said P. E. Lamar, as defendant, and that said P. E. Lamar is a necessary party thereto; and, it further appearing that a summons has been duly issued in the above entitled case, and due and diligent inquiry and search made for said P. E. Lamar for the purpose of making personal service thereof upon him as defendant, but that same was not and could not be had for the reasons hereinabove stated, and by said affidavits made to appear:

Now, therefore, it is ordered that service of summons in this action be made upon the defendant, P. E. Lamar, by publication thereof in the Hawaiian Gazette, a semi-weekly newspaper, published in the English language in Honolulu, Oahu, Territory of Hawaii, and hereby designated as a newspaper suitable for the advertisement of notice of judicial proceedings; that such publication be had and made at least once a week for four consecutive months; and

It further appearing from a reading of said affidavits, that said defendant, P. E. Lamar, is located in and about the city of San Francisco, State of California;

It is further ordered and directed that a copy of the summons and complaint in the above entitled case be forwarded forthwith by being deposited in the United States Postoffice at Walluku, Maui, postpaid, directed to said P. E. Lamar, at San Francisco, State of California.

Service herein shall be deemed completed at the expiration of time prescribed by the order of this court, this cause to stand continued to, and be triable at, the regular March term 1905 of this court.

(Sgd.) A. N. KEPOIKAI, Judge of the Circuit Court, Second Judicial Circuit.

Attest: (Sgd.) EDMUND H. HART, Clerk, Second Circuit Court.

(Seal.) 2623

### ESTATE LILIH KAHU.

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT, TERRITORY OF HAWAII—IN PROBATE—AT CHAMBERS.

In the Matter of the Estate of Lilihi Kahu, deceased—Before Judge A. N. Kepoikai—Order of Notice of Petition for Allowance of Final Accounts and Discharge in this Estate.

On reading and filing the petition and accounts of W. O. Smith, Administrator of the Estate of Lilihi Kahu (K), late of Kalaupapa, Molokai, deceased, wherein he asks to be allowed \$247.18 and he charges himself with \$1639.47, and asks that the same may be examined and approved, and that a final order may be made of Distribution of the property remaining in his hands to the persons thereto entitled, and discharging him and his sureties from all further responsibility as such Administrator.

It is ordered that Thursday, the 17th day of November, A. D. 1904, at 10 o'clock a. m., before the Judge of said Court at the Court Room of the said Court at Walluku, Island of Maui, be and the same hereby is appointed as the time and place for hearing said Petition and Accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted, and may present evidence as to who are entitled to the said property. And that notice of this Order, in the English language, be published in the Hawaiian Gazette, a semi-weekly newspaper printed and published in Honolulu, for three successive weeks, the last publication to be not less than two weeks previous to the time therein appointed for said hearing.

Dated at Walluku, Maui, this 28th day of September, 1904.  
EDMUND H. HART, Clerk of the Circuit Court of the Second Circuit.

2620—Oct. 4, 11, 18, 25.

### ESTATE KALEKINA UNEA.

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT, TERRITORY OF HAWAII—IN PROBATE—AT CHAMBERS.

In the Matter of the Estate of Kilikina Unea, deceased—Before Judge A. N. Kepoikai—Order of Notice of Petition for Allowance of Final Accounts and Discharge in this Estate.

On reading and filing the petition and accounts of John T. Unea, Administrator with the Will Annexed of the Estate of Kilikina Unea, late of Kalaupapa, Molokai, deceased, wherein he asks to be allowed \$269.05, and he charges himself with \$187.85, and asks that the same may be examined and approved, and that a final order may be made of Distribution of the property remaining in his hands to the persons thereto entitled, and discharging him and his sureties from all further responsibility as such Administrator with the Will Annexed.

It is ordered, that Thursday, the 17th day of November, A. D. 1904, at 10 o'clock a. m., before the Judge of said Court at the Court Room of the said Court at Walluku, Island of Maui, be and the same hereby is appointed as the time and place for hearing said Petition and Accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted, and may present evidence as to who are entitled to the said property. And that notice of this Order, in the English language, be published in the Hawaiian Gazette, a semi-weekly newspaper printed and published in Honolulu, for three successive weeks, the last publication to be not less than two weeks previous to the time therein appointed for said hearing.

Dated at Walluku, Maui, this 28th day of September, 1904.  
EDMUND H. HART, Clerk of the Circuit Court of the Second Circuit.

2620—Oct. 4, 11, 18, 25.

### FORECLOSURES.

#### ZELUBABERA KAKINA AND WIFE.

MORTGAGEE'S NOTICE OF INTENTION OF FORECLOSURE AND OF SALE.

Notice is hereby given that by virtue of a power of sale contained in a certain mortgage made by Zelubabera Kakina and Kaai Z. Kakina, his wife, of Kawaiahae, Island of Kauai, Territory of Hawaii, mortgagors, to Albert S. Wilcox, mortgagee, of Lihue, said Island of Kauai, dated October 18, 1900, and recorded in the Register Office, Oahu, in Liber 215, pages 207 to 209, the said mortgagee, Albert S. Wilcox, intends to foreclose said mortgage for breach of the conditions therein named, to wit: non-payment of principal and interest when due.

Notice is further given that the property conveyed by the said mortgage, and hereinbefore described, will be sold at public auction at the auction rooms of Jas. E. Morgan, Kaahumanu street, Honolulu, Island of Oahu, Territory of Hawaii, on Saturday, the 5th day of November, A. D. 1904, at 12 o'clock noon of said day.

The property to be sold, hereinabove referred to, is described as follows: First: All that parcel of land containing an area of one (1) acre situate in the Ahupuaa of Oloheua in said Island of Kauai, being the same premises described in deed from Mrs. Wahinekaui to said Kaai Z. Kakina, dated March 23, 1898, and recorded in the Registry of Deeds in Honolulu, Island of Oahu, in Liber 210 on pages 241 and 242.

Second: All the right, title, interest and estate of the said Zelubabera Kakina and said Kaai Z. Kakina in and to the Ahupuaa of Wainiha, District of Hanalei, in said Island of Kauai, and in and to the 'Eui Kua' Aina o Wainiha and its property, being the same as described in deed from Josiah Lauakea and his wife, Mrs. Mereana Lauakea, dated January 18, 1880, and recorded in said Registry in Liber 78, pages 167 and 168, and in deed from A. Pahoe to said Zelubabera Kakina recorded in said Registry on the 10th day of June, 1889, in Liber 118, page 23.

Terms: Cash, United States Gold Coin. Deeds at expense of purchaser. For further particulars apply to Smith & Lewis, attorneys for Mortgagee, 207 Judd Building, Honolulu. Dated Honolulu, October 7, 1904.  
ALBERT S. WILCOX, Mortgagee.

2632—T & F

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